



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Mercer County  
Open Burning Complaint  
Notice of Violation (NOV) &  
Return to Compliance (RTC)

September 10, 2013

CERTIFIED MAIL

Ms. Anita Springer & Mr. Gregg Spivey  
Gass Inc. – Property Owners  
241 Lowry Road  
Fort Recovery, Ohio 45846

Dear Ms. Springer & Mr. Spivey:

This office received a complaint on August 21, 2013, concerning open burning being conducted on your property. My investigation shows multiple burn sites and metal barrels exist on the property, all of which contain evidence of the burning of residential wastes from the property. These materials are believed to have been burned for disposal purposes and this was done within 1000' of adjacent residences, not located on the property. Wastes burned include household trash including plastics, 2-3 tires, a mattress, aluminum cans, steel cans, a metal and plastic chair, glass bottles, brush, and yard wastes.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the above cited violations.

A copy of the OAC rules pertaining to open burning has been enclosed for your review because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to your tenants and it is ultimately your responsibility to ensure that future violations do not occur on your property. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A).

Ms. Anita Springer & Mr. Gregg Spivey  
September 10, 2013  
Page 2

Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 26, 2013.

Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at [thomas.cikotte@epa.state.oh.us](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/l/r

Enclosure

pc: Mercer County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1835 2046

ec: Bruce Weinberg, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC – NWDO