



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

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

September 10, 2013

CERTIFIED MAIL

Ms. Brittany Miller  
Tenant  
1290 Park Avenue East  
Mansfield, Ohio 44905

Dear Ms. Miller:

This office received a complaint on August 12, 2013, concerning open burning being conducted by you at a property on Frey Dr. in Mansfield, Ohio on July 14, 2013. My investigation shows you admitted to starting the fire on the property of Mr. Jason Rose without his permission and burned the following materials for disposal in a restricted area: 3-4 mattresses; 4-5 tires; 2-3 TVs; C&DD from house trailers; miscellaneous metal parts; automotive parts; car seats; upholstered furniture; household trash with plastic; misc. plastic parts; fiberglass insulation; metal 5 gal pails with unknown contents; shingles; gallon paint cans, and; brush.

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 3745-19-03(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. 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.

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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

/cg

Enclosure

pc: Richland County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118346823

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