



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 3, 2013

CERTIFIED MAIL

Mr. Jason Rose
Property Owner
605 Grant Street
Mansfield, Ohio 44903

Dear Mr. Rose:

This office received a complaint on August 12, 2013, concerning open burning being conducted on your property on Frey Drive in Mansfield, Ohio (Richland Co. Parcel #0372802404000). This complaint specifically identified a significant fire that occurred on July 14, 2013. My investigation, conducted in part on August 19, 2013, shows the following materials having been burned for disposal: three to four mattresses; four to five tires; two to three TVs; construction and demolition debris; misc. metal parts; automotive parts; upholstered car seats; upholstered furniture; household trash with plastics; misc. plastic parts; fiberglass insulation; metal five gallon pails with unknown contents; shingles; gallon paint cans; brush. Additional material appears to have been added to that burn site since the last reported fire, which included more car seats, more car parts, more C&DD, more fiberglass insulation, carpet, cardboard products and approximately six more tires.

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. To be clear, when burning any type of wastes that are allowed by rule, one must be "no less than 1000' from any inhabited building" not on that property. From a review of the property limits, per the Richland County Auditor, it has been determined that there is no point on the property where that 1000' setback limit can be achieved, therefore, you are not permitted to burn any materials for disposal on the property.

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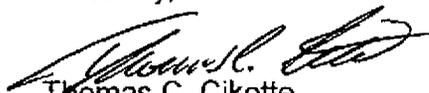
As the property owner, it is ultimately your responsibility to ensure that violations do not occur on your property and you may be held liable for current and future violations. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 18, 2013.

Regarding the disposal of the remaining debris, that issue may fall under the jurisdiction of either Ohio EPA's Division Materials & Waste Management (DMWM) or the county's local health department. In either regard, this matter will be referred to DMWM for their involvement and they may contact you regarding this matter. Should you have any questions pertaining to their involvement, please contact either Tyler Madeker of DWMW at (419) 373-3078 or your local health department.

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.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/llr

Enclosure

pc: Andrea Barnes, Richland County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 9077
ec: Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO