



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

Jake & Lois Womer  
Property Owners  
540 Honey Creek Road  
Bellville, Ohio 44813

Dear Mr. & Mrs. Womer:

This office received a complaint on August 13, 2013, concerning open burning being conducted on your property. My investigation, conducted on August 19, 2013, shows a burn barrel near the hose and an approximately 20' diameter burn site exist on the property. Between these two locations I observed evidence of the following materials having been burned for disposal, within 1000' of adjacent residences in an unrestricted area: aluminum foil; paper products; food wastes; construction and demolition debris; manufactured lumber products; vinyl gutter guard; a mattress; vinyl window frames; pallets; brush; a 55 gal drum (the old burn barrel); multiple stumps, and; cardboard products.

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. 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. 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.

Jake & Lois Worner  
September 3, 2013  
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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

/llr

Enclosure

pc: Richland County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 9053

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