



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

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

October 10, 2013

CERTIFIED MAIL

Mr. Donald Bench, Jr.
DOJABEN, Ltd. & Benchmore Farms, Inc.
Property Owners
18063 West State Route 105
Elmore, Ohio 43416

Dear Mr. Bench:

This office received a complaint on October 9, 2013, concerning open burning being conducted on property, owned by DOJABEN, Ltd., of which you are a registered member, or may have been reported to be operating as Benchmore Farms, Inc. My investigation, conducted on October 9, 2013, shows large amounts of plastic irrigation tape was collected and burned for disposal on or adjacent to the property addressed above.

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. 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. It is also your responsibility to disseminate this information to the other member of your organization as DOJABEN, Ltd. and/or Benchmore Farms, Inc. may be held liable for future violations of these rules on any property you own or operate on in Ohio.

Mrs. LuAnne Pitts & Mr. Bill Whitfield Jr.

October 3, 2013

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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 October 18, 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.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/llr

Enclosure

pc: Ottawa County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1835 2190

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