



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 3, 2013

CERTIFIED MAIL

Mrs. LuAnne Pitts & Mr. Bill Whitfield Jr.  
Property Owners  
Bar-B-Que Traveler, Inc.  
P. O. Box 207  
5410 Railroad Street  
Lacarne, Ohio 43439

Dear Mrs. Pitts and Mr. Whitfield:

This office observed illegal open burning being conducted on your property, addressed above, on September 30, 2013. My investigation, conducted on September 30, 2013, shows evidence of the following materials having been burned for disposal on site within 1000' of adjacent residences in an unrestricted area: a fluorescent light fixture; construction and demolition debris such as wood paneling, wood trim, dimensional lumber and painted cabinet doors; aluminum cans; steel cans; aluminum roaster pans; chicken fence; paper products, 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 because you, as the property owner, may be held liable for current and future violations. To be clear, as this is the site of a commercial business and there is no residence on site, there is to be no open burning on the property. While Mr. Dupree Pitts maintained that his eldest son had recently put some of the material on the burn site as I had observed it, it is your responsibility to clearly communicate the open burning rules to anyone who uses your property and it is ultimately your responsibility to ensure that future violations do not occur on your property.

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](mailto: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



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 2, 2013

CERTIFIED MAIL

Mr. Jeremiah J. Pitts  
Property Owner  
P.O. Box 214  
5585 West Erie Street  
Lacarne, Ohio 43439

Dear Mr. Pitts:

This office received a complaint on September 27, 2013, concerning open burning being conducted on your property. My investigation, conducted on September 30, 2013, shows construction and demolition debris, fiberglass insulation, miscellaneous metal parts and a stump were burned for disposal purposes within 1000' of adjacent structures in an unrestricted area.

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, after a review of the area property limits, you are not permitted to burn any wastes on your property because you cannot remain on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c). Accordingly, you are not permitted to burn any materials for disposal on your property.

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 October 18, 2013.

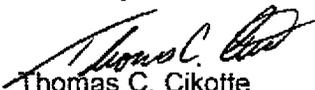
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

Mr. Jeremiah Pitts  
October 2, 2013  
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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

/cg

Enclosure

pc: Ottawa County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7011350000082041787

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