





**Environmental
Protection Agency**

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

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

March 26, 2012

CERTIFIED MAIL

Chief Craig Koepp
Stryker Fire Department
20275 State Route 34
Stryker, Ohio 43557

Dear Chief Koepp:

This office received a complaint on March 19, 2012, concerning open burning being conducted by your organization at 103 West Curtis Street in Stryker, Ohio. My investigation, conducted that day, shows a residential structure owned by a commercial entity was demolished and then burned for disposal by the Stryker Fire Department (SFD). The burn was called in to the Williams County Sheriff's Office as a "controlled burn" at approximately 4:25 a.m. on March 17, 2012. Per your admission, the SFD conducted this burn to save the property owner the cost of proper disposal. Also, per your admission, you knew that the SFD needed permission from the Ohio EPA prior to burning a residential structure, however, you chose not to apply for the permission because "the paperwork is such a hassle." The fire was still smoldering producing an open flame on March 19, 2012, before the Stryker FD was again called to extinguish the fire. Therefore, the fire was burning on three separate days.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. Each day of burning constitutes a separate violation of Ohio Administrative Code (OAC) rule 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05.

To be clear, neither the Village Mayor, Village Council members, nor the Village Fire Chief has the authority to cause, allow or grant permission to open burn unless the Village creates local ordinances which are more stringent than Ohio EPA's regulations. Without such ordinances any such parties may be considered to have usurped the authority provided to the agency in OAC 3745-19-05, which is a violation of ORC 3704.05. Such cases may result in Ohio EPA citing applicable parties for causing or allowing open burning and may result in elevated enforcement action which may include, but is not limited to, monetary fines.

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This is now the second time that Ohio EPA has encountered a situation where the SFD granted permission to conduct, or directly caused, illegal open burning.

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 April 11, 2012.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date. 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: Williams County Health Department
Thomas C. Cikotte, DAPC-NWDO
Mayor Daniel Hughes, Village of Stryker, Ohio
Springfield Township Trustees, Springfield Township Ohio
Certified Mail Receipt Number 7009 1410 0001 1843 9365

ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO