



**Environmental  
Protection Agency**

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

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

April 10, 2012

**CERTIFIED MAIL**

Mr. Jeffrey Newcomer, President & CEO  
Newcomer Concrete Services, Inc.  
646 Townline Road  
Norwalk, Ohio 44857

Dear Mr. Newcomer:

On March 29, 2012, Ms. Amber Hicks of Ohio EPA's Division of Materials and Waste Management observed open burning being conducted on your property and the matter was forwarded to me to resolve. It has been determined that old concrete forms made of pine lumber and miscellaneous metal parts were burned for disposal purposes on the property.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. To be clear, commercial businesses are not permitted to burn any materials for disposal anywhere in Ohio. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

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 25, 2012.

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

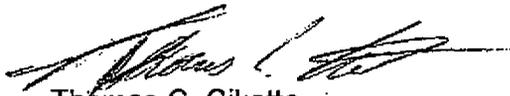
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Jeffrey Newcomer, President & CEO  
April 10, 2012  
Page 2

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

/lr

Enclosure

pc: Huron County Health Department  
Thomas C. Cikotte, DAPC-NWDO  
Certified Mail Receipt Number 7009 1410 0001 1843 9242

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