



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korfleski, Director

Re: Allen County
Open Burning Complaint

Notice of Violation

October 22, 2007

CERTIFIED MAIL

7006 0100 0003 7708 5862

Noah Gallagher, Manager
Gethsemani Cemetery
2001 Spencerville Rd.
Lima, Ohio 45805

Dan Gallagher, Manager
Woodlawn Cemetery
1751 Spencerville Rd.
Lima, Ohio 45805

Bishop Leonard P. Blair
Catholic Diocese of Toledo
P.O. Box 985
Toledo, Ohio 43697-0985

Woodlawn Cemetery Association
1751 Spencerville Rd.
Lima, Ohio 45805

To all parties above:

This office received a complaint on October 15, 2007 concerning open burning being conducted on your property. The complaint was from the Chief of the Shawnee Township Fire Department (STFD) and included the response report for four separate incidents in which the STFD had to respond and extinguish a fire in progress. The complaint was investigated by this office on October 19, 2007. Our investigation shows that illegal open burning has occurred on the premises. Waste from the cemeteries including brush, tree limbs, flowers, decorative pots, wreaths, plastic bottles and trash was found in a pile and was being collected for the next burn.

All the parties above
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In speaking with Noah Gallagher, manager of the Gethsemani Cemetery, he admitted that they do burn on the property and that they burn material from both Gethsemani Cemetery and Woodlawn Cemetery at that location. The latest known burn on the property was September 28, 2007, as reported and responded to by the STFD. Through this investigation it was also confirmed that Gethsemani Cemetery has received at least four written orders from agencies including the STFD, Allen County Health Department and the Ohio EPA stating that burning on the property is illegal and is not to be continued.

Based on our findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This a violation of OAC rule 3745-19-03(A).

A copy of the OAC rules pertaining to open burning was given to Noah Gallagher on October 19, 2007. Please submit a written response to Ohio EPA indicating your understanding of the regulations and your commitment that no future open burning will occur. Your response should be received by this agency no later than November 5, 2007.

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.

If you have any questions concerning this letter or the regulations, please call me at (419) 373-3137.

Sincerely,


Thomas C. Cikotte
Division of Air Pollution Control

/csl

Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
DAPC, NWDO File

ec: Tom Sattler, DAPC - NWDO