



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 Korleski, Director

Re: Open Burning Complaint
Erie County
Notice of Violation

April 22, 2008

Certified Mail 7006 3450 0001 0661 2812

Mr. Jim Seitz
Seitz Design & Construction
49A Benedict Avenue
Norwalk, Ohio 44857

Dear Mr. Seitz:

This office has received a report from an Ohio EPA inspector concerning open burning of land-clearing waste (i.e., trees and logs) at the Two Rivers Condos in Huron, Ohio. By means of this letter we hope to inform you of the seriousness of open burning and inform you that open burning is a strictly regulated activity in Ohio, regulated pursuant to Ohio Administrative Code 3745-19 (copy enclosed).

Mr. Seitz, Seitz Design & Construction has been found in violation of OAC 3745-19-03(A): ***"No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code."*** Open burning as conducted by Seitz Design and Construction is not provided for in these rules. In order to burn land-clearing waste, the clearing site must be in an unrestricted area, plus 1,000 feet from any inhabited building. Written permission must also be obtained from the Ohio EPA with the qualifier of using an air curtain destructor.

At this time, we ask that you submit a written response to the Ohio EPA regarding this report, your understanding of the regulations and what measures will be taken to prevent any further violations. Your response should be received by this Agency by May 5, 2008.

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

Keep in mind that penalties of up to \$25,000 could be assessed.

If you have any questions concerning this letter or the regulations, please call me at (419)373-3120.

Sincerely,

Joseph L. Grob
Environmental Specialist 3
Division of Air Pollution Control

/cs
Enclosure
ec: Joe Grob, DAPC, NWDO

pc: Erie County Health Department
Lisa Holscher, U.S. EPA, Region V
Tom Kalman, DAPC, CO
Tom Sattler, Supervisor, DAPC, NWDO
DAPC; NWDO File\