

**Environmental
Protection Agency**

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

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

July 19, 2012

CERTIFIED MAIL

Chief Steve Asmus
Middleton Township Fire Department
101 West Main Street
Haskins, Ohio 43525

Dear Chief Asmus:

On July 11, 2012, it was brought to the attention of the Ohio EPA that the Middleton Township Fire Department (MTFD), intended to conduct a live fire training exercise at 11902 Middleton Pike in Haskins, Ohio. The MTFD was granted permission to conduct live fire training at that property, on the residential structure and one outbuilding, on October 27, 2010, through Ohio EPA permission to open burn #10-132. However, it was Ohio EPA's understanding, based on your application, that the structures would be fully demolished in the course of the training event, not used as an ongoing, temporary training facility. As such, permission #10-132 was issued with an expiration date of January 31, 2011, by which time all live fire training on the property was to have stopped. Between February 1, 2011 and the date of this mailing, multiple live fire training events occurred at that location without permission from Ohio EPA. Fires on site included wood furniture, upholstered furniture, pallets, building materials and various other materials.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. Each live fire training event conducted between February and the date of this mailing constitutes 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 August 17, 2012.

Chief Steve Asmus
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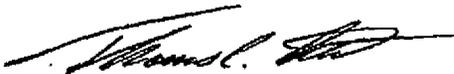
The unfortunate part of this scenario is that these violations could have been prevented. If the MTFD would have realized the permission expired or had it requested permission for multiple, ongoing training events at the property, Ohio EPA would have most likely granted permission. However, because the training events occurred without permission, these events are considered violations of the OAC. Should the MTFD be presented with a similar opportunity in the future, please discuss the matter with the Ohio EPA so that a proper course of action can be determined.

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: Wood County Health Department
Penny Getz, Middleton Township Trustee Chairman
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 6151

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