



**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)

May 18, 2012

CERTIFIED MAIL

Mr. Paul Myers, Exalted Ruler
Benevolent & Protective Order of Elks
Norwalk Elks Lodge No. 730
2949 U. S. Route 250 North
Norwalk, Ohio 44857

Dear Sir:

While on site for an inspection of operations regulated by Ohio EPA's Division of Surface Water, an EPA employee observed condition that they thought may be in violation of Ohio's open burning regulations. The matter was referred to Ohio EPA's Division of Air Pollution Control and I will address our concerns. Our observations, conducted on April 5, 2012, shows a sizable burn site is located on the property and has been used to burn brush, pallets and construction and demolition debris for disposal. This site is located in a restricted area and there are also inhabited structures not on the property located within 1000' of the burn site.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-03(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. To be clear, because the property is located within a restricted area no material is permitted to burn for disposal purposes. Your response is requested no later than June 4, 2012.

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

Mr. Paul Myers, Exalted Ruler
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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: Huron County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 3747

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