



**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)**

June 12, 2012

CERTIFIED MAIL

The Honorable Lowell Etzler
Mayor of the Village of Greenwich
45 Main Street
Greenwich, Ohio 44837

Dear Mayor Etzler:

On May 22, 2012, an inspection of the Village of Greenwich's compost facility by Mr. Tyler Madeker of Ohio EPA's Division of Materials and Waste Management (DMWM). At that time Mr. Madeker observed various waste materials being burned for disposal purposes on the property and the matter was brought to my attention. The Division of Air Pollution Control (DAPC) oversees Ohio's open burning program and should also address this issue. While there are allowances for open burning on residential and agricultural properties, with the expectations of burning land clearing wastes or burning storm debris generated during emergency situations, there are no provisions in the open burning rules which allow for municipalities to burn any materials for disposal.

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 3745-19-04(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 June 27, 2012.

As the leading executive officer of the Village of Greenwich, it is your responsibility to adequately disseminate this information to all village employees and representatives (such as the Village's Council). It is ultimately your responsibility, or that of any of your successors, to ensure compliance with these rules.

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

The Honorable Lowell Etzler
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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

/cg

Enclosure

pc: Huron County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118342672

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