



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

January 23, 2013

CERTIFIED MAIL

Mr. Dave Shaffer, Chairman
Ridgefield Township Trustees
1660 Jacobs Road
Norwalk, Ohio 44857

Dear Mr. Shaffer:

On January 17, 2013, while in the area on other business, I observed heavy white smoke coming from the Ridgefield Township Cemetery. Further investigation shows that a Ridgefield Township employee had been directed to burn a pile of tree trimmings and brush for disposal. This occurred in a restricted area.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified because Municipalities are not permitted to burn material for disposal unless it is associated with an emergency situation or with a natural disaster and they receive written permission from the Ohio EPA. Therefore, this is a violation of both Ohio Administrative Code (OAC) rule 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05.

To be clear, neither the Township Council members nor the local Fire Chief has the authority to cause, allow or grant permission to open burn unless the township creates local ordinances which are more stringent than Ohio EPA's regulations. Without such ordinances, by granting permission to township employees or residents, any such parties may be considered to have usurped the authority provided to the agency in Ohio Administrative Code (OAC) 3745-19-05, which is a violation of Ohio Revised Code 3704.05. Such cases will result in Ohio EPA citing applicable parties for causing or allowing open burning and may result in elevated enforcement action which may include, but is not limited to, monetary fines. It is the responsibility of the Ridgefield Township administration to disseminate this information to its staff and duly appointed representatives. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A).

Mr. Dave Shaffer, Chairman

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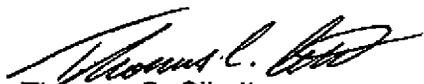
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the above cited violations.

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 February 25, 2013.

Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case. 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 3105

ec: Brian Dickens, US EPA, Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO