



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)**

April 22, 2013

CERTIFIED MAIL

Mr. Joseph St. Clair, Village Administrator
Village of Wayne
P. O. Box 39
125 Schoolhouse Street
Wayne, Ohio 43466

Dear Mr. St. Clair:

This office received a complaint on April 12, 2013, concerning open burning being conducted on village property. My investigation, conducted on April 15, 2013, shows a pile of brush dumped behind the Village garage in a community drop off area was burned for disposal purposes.

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. To be clear, municipalities are only permitted to burn this type of material if generated from an emergency situation and meets the criteria identified in the enclosed rules.

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. It is your responsibility to disseminate this information to your subordinates and successors as the Village of Wayne may be held liable for future violations of these rules. Your response is requested no later than May 8, 2013.

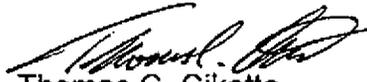
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

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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: Wood County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 2429

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