



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

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

May 1, 2013

CERTIFIED MAIL

Mr. Mark Abood, Sr. Vice President
Chartwell Group, LLC.
1301 East 9th Street, Suite 2210
Cleveland, Ohio 44114

Dear Mr. Abood:

On April 25, 2013, this office observed illegal open burning being conducted on property for which your organization has been identified as being responsible for, at 1233 Fox Road on Middle Bass Island, Ohio, formerly known as St. Hazard's. My investigation, conducted that day, shows multiple burn sites had been used to burn the following materials for disposal: pallets; construction and demolition debris; misc. metal parts; PVC pipe; brush; straw, and; aluminum cans. This occurred in an unrestricted area.

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. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio.

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. It is your responsibility to disseminate this information the other member of your organization and any employees/contractors as Chartwell Group may be held liable for future violations of these rules on any property you own or are operating on in Ohio. 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 May 17, 2013.

Mr. Mark Abood
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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

/cg

Enclosure

pc: Ottawa County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118347189

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