I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 3-11-08

OHIO E.P.A.
MAR 11 2008
ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ravenna Township 6115 Spring Street Ravenna, Ohio 44266	: : :	Director's Final Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ravenna Township ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns property ("the property") located at 6651 Cleveland Avenue, Ravenna Township, Portage County, Ohio. This property is located in a "restricted area," as defined in Ohio Administrative Code ("OAC") Rule 3745-19-01(J) concerning open burning.

2. OAC Rule 3745-19-03(A) prohibits any person or property owner from open burning in a restricted area except as provided in OAC Rules 3745-19-03(B) to (D) or in ORC § 3704.11. These exceptions to the open burning prohibition do not include the open burning of logs, rubber, railroad ties, plastic, car parts and other miscellaneous debris for waste disposal purposes by a governmental body.

3. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Chapter 3745-19 was adopted by the Director under OAC Chapter 3704.

4. On July 25, 2007, a representative of the Akron Regional Air Quality Management District ("ARAQMD") observed the open burning of logs, rubber, rail road ties, plastic, car parts, and other debris in an approximately 20-foot by 20-foot pit at the property, resulting in the release of thick, black smoke in the area. Due to the materials being burned and the proximity of the fire to an adjacent mobile home park, the Ravenna Township Fire Department was called and extinguished the fire. During this inspection, a neighbor at the adjacent property informed ARAQMD that there had been several open burnings conducted on the property by Township employees in the past. The ARAQMD representative explained to the representative of Respondent, who was conducting the open burning, the Ohio EPA open burning regulations and gave written orders to cease all illegal open burning. Since open burning of municipal waste was conducted in a restricted area, Respondent was in violation of OAC Rule 3745-19-03(A).

5. On August 3, 2007, ARAQMD sent a warning letter by certified mail to Respondent. The letter cited Respondent with a violation of OAC Rule 3745-19-03(A) for open burning municipal waste in a restricted area and advised the Respondent to cease all such open burning. In this letter, ARAQMD also requested Respondent to submit a written commitment to cease all further illegal open burning within fifteen days of receipt of the warning letter.

6. On August 7, 2007, Respondent sent ARAQMD a letter as its response to the ARAQMD's August 3, 2007 warning letter. In this letter, Respondent informed the ARAQMD that it would take appropriate steps to ensure that illegal open burning will not happen again on any Township property.

7. Based on the evidence concerning the July 25, 2007 open burning incident, the Director of Ohio EPA finds that Respondent was in violation of OAC Rule 3745-19-03(A). Also, the Director of Ohio EPA finds that this incident constitutes a violation of ORC § 3704.05(G).

8. OAC Rule 3745-19-06(A) states that the Director of Ohio EPA may assess a violator not more than one thousand dollars ($1,000) per day for each separate violation of the rules in this Chapter for open burning on municipal property. The violation of Ohio's open burning regulations on July 25, 2007 is being assessed a penalty.

9. Should Respondent fail to comply with these Orders, the Director of Ohio EPA may refer this matter to the Ohio Attorney General's Office where, under the authority of ORC § 3704.06, the Director may request that the Attorney General pursue litigation and seek civil penalties of up to $25,000 per day of violation.

10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Upon the effective date of these Orders, Respondent shall cease all open burning in violation of OAC Chapter 3745-19, and shall maintain compliance thereafter.

2. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of one thousand dollars ($1,000) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 3704.06. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" and shall be submitted to Brenda Case, or her successor, with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of the check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Division of Air Pollution Control
Ohio EPA
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate, and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by an appropriate representative of Respondent.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

IX. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Chris Korleski
Director

3/3/08
Date