



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

June 1, 2010

Mr. Mark Brumbaugh
2647 State Route West 47
Bellefontaine, Ohio 43311

CERTIFIED MAIL

NOTICE OF VIOLATION

Dear Mr. Mark Brumbaugh:

The photographs taken by The Ohio EPA Southwest District Office and our investigation of the open burning that occurred at your 2647 State Route West 47 residence on May 26, 2010 constituted a violation of Ohio Administrative Code (OAC) open burning regulations.

The purpose of this letter is to:

- inform you of open burning violations of OAC open burning regulation
- request that you take immediate steps to assure proper disposal of residential and commercial waste generated on your property, and
- instruct you to immediately halt any open burning that is in violation of the attached OAC open burning rules.

Open burning violations:

The open burning of demolish debris, and other waste materials that appear in the photographs taken by the Ohio EPA staff on May 26, 2010, constitutes a violation of OAC rule 3745-19-04(A). Unless specifically listed under OAC rules 3745-19-04(B) or (C) or in section 3704.11 of the Ohio Revised Code, no person or property owner shall cause or allow open burning.

Proper solid waste disposal:

In order to demonstrate your willingness to cooperate with this office and assure that no future violations of the OAC open burning rules occur, this office requests that you take immediate steps to arrange proper disposal of all residential and/or commercial waste generated and/or collected on your property. Please submit to this office either a copy of a contract with a residential/commercial waste hauler or your own plan to assure proper disposal of this material.

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

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Immediate halt of open burning in violation of OAC open burning rules:

Based on our open burning investigation, the previous open burning complaint, you are instructed to immediately halt any additional open burning that would be in violation of the attached rules.

You are required to submit a copy of a contract with a residential/commercial waste hauler, or your own plan to assure proper disposal of this to The Ohio EPA Southwest District Office Division of Air Pollution Control within fourteen days of receipt of this letter. I would like to thank you for your cooperation and assistance to assure no future open burning violations will occur at your residence.

Please be aware that this investigation will be sent to our Central Office for further review and possible enforcement. The Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, and 3750 of the Ohio Revised Code and any other applicable state or federal laws or regulations, to seek civil and/or criminal action, reimbursement of response costs and any other appropriate legal or equitable relief for any violation of law.

If you have any questions or comments, or wish to discuss this matter further, please feel free to contact me at (937)285-6063.

Sincerely,



George Nemore
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

GN/ka

ec:

John Paulian, Ohio EPA CO/DAPC
Lisa Holscher US EPA
Tom Schneider, Ohio EPA SWDO/DAPC