Ohio | Environmental Protection Agency

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

October 14, 2011

CERTIFIED MAIL

Mr. Ron Davis
Davis Excavating
579 Fayetteville Road
Blanchester, Ohio 45107

NOTICE OF VIOLATION

Dear Mr. Davis:

You are hereby notified that the Ohio Environmental Protection Agency (Ohio EPA) finds you to be in violation of Ohio's open burning and solid waste regulations. In response to a complaint filed with the agency, an inspection was performed on October 11, 2011. As a result of the inspection, it was determined that open burning of solid waste and other wastes occurred at property owned by you at or near 579 Fayetteville Road, Blanchester, Ohio.

The violations you have committed include, but are not limited to the following:

- The open burning of solid wastes, including solid wastes made from petroleum products including plastic.
- The open burning of treated wood.
- Open burning in a restricted area within 1000 feet of an occupied dwelling.

The above identified activities are in violation of Ohio Administrative Code (OAC) rule 3745-19-03, *Open burning in restricted areas*, and Ohio Revised Code (ORC) Section 3704.03. In addition, the open burning of solid waste is in violation of OAC rule 3745-27-05(B) and ORC Section 3734.03, and the open burning of demolition debris is in violation of OAC rule 3745-400-04 and ORC Section 3714.02.

You must cease all illegal open burning.

This matter will be sent to our Central Office for further review and possible enforcement action. 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

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

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

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)285-6032.

Sincerely,

Terry A. Sanner
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

TAS/tf

ec: Tom Schneider, DAPC, SWDO
William MacDowell, USEPA, Region 5
Tom Kalman, DAPC, CO