OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 18, 2007

Re: Monore County
Open Burning
Complaint 20070179

Certified: 70063450000190545850

Mr. Reuben Byler
49920 State Route 379
Lewisville, Ohio 43754

Dear Mr. Byler:

I am writing this letter in response to a complaint received by this office on May 1, 2007. The complaint alleges that you are open burning sawdust from your sawmill on State Route 379.

On May 8, 2007, I investigated this complaint and spoke to you. You told me that the fire had been burning since last winter and that two local fire departments had been out to try to put the fire out. The sawdust pile is still quite large and is still burning. I also observed an area behind your mill where wood slabs had been open burned. The sawdust that is being generated now is being put into a trailer and the wood slabs are being banded together and piled up to be sold or given away as campfire wood.

A business cannot open burn any type of wastes that are generated in the course of doing business. You cannot haul the wood wastes back to the woods and burn them as you mentioned. Open burning of wood wastes generated by your sawmill is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to $25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action will be taken against you. I will be reinspecting your sawmill to ensure compliance with this rule.

I am requesting a written response from you within 14 days of receipt of this letter that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

A copy of this letter is being forwarded to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

If you have any questions, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO

enclosure