



PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156 Fax (740) 353-3638

March 20, 2012

CERTIFIED MAIL

Mr. Jonathan Yoder
Yoder Trucking and Excavating LLC
18168 State Route 247
Seaman, Ohio 45679

Re: Notice of Violation

Dear Mr. Yoder:

On March 2, 2012, the Portsmouth Local Air Agency (PLAA) received a complaint from the Peebles Fire Department regarding an incident of open burning which occurred at 40 Hartzell Road, Seaman located in Adams County. On March 2, 2012, investigation of the complaint found that open burning of several piles of demolition debris had taken place at your property at 40 Hartzell Road with the debris still smoldering upon arrival. The inspector also observed a 5 gallon bucket with burnt copper wire along with burned areas from previous burning activity. A fire report provided by the Peebles Fire Department states that open burning of construction debris had also occurred previously on February 6, 2012. The fire report also states you were advised of the open burning laws and if you continued to burn illegally our agency and Ohio EPA would be contacted for further action.

Pursuant to Ohio Administrative Code (OAC) rule 3745-19-04, Open Burning in Unrestricted Areas, open burning for the purpose of waste disposal is prohibited. The open burning documented on March 2, 2012 by the PLAA is a violation of OAC rule 3745-19-04.

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 wastes, and a copy of the landfill receipt as proof of proper disposal.

Acceptance by the 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 such penalties in this case will be made by Ohio EPA at a later date.

If you are unable to respond to any part of this request, within the timeframe discussed above, please inform us and explain so what we may be of assistance.

Jonathan Yoder
March 20, 2012
Page 2

If you have any questions regarding this matter or Ohio's open burning regulations, please contact me at (740) 353-5156 ext 288.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
William MacDowell, USEPA
Chief Mike Estep, Peebles Fire Department