



**Environmental
Protection Agency**

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

April 8, 2011

Re: Tuscarawas County
Open Burning
Complaint 30001810

Certified: 70101060000178962228

Mr. Scott Miller
1591 County Road 160
Dundee, Ohio 44624

Dear Mr. Miller:

I am writing this letter in response to a complaint received by this office on April 1, 2011. The complaint alleges that demolition waste materials from mobile homes are being burned at 6197 Old State Route 39, Dover.

On April 5, 2011, I investigated this complaint. Evidence of the open burning of wood, plastics, demolition and other solid waste materials was observed. There was no one at the property at the time of my investigation.

I contacted Mr. George Bear who owns this property. He told me that you rent from him and have been scrapping metal from mobile homes and other sources and have been open burning waste materials on this property. I informed him that the open burning is illegal. He was also contacted by the Tuscarawas Health Department in reference to the scrapping and open burning.

On April 6, 2011, I spoke to you by phone. As I informed you at that time, demolition waste materials cannot be open burned in Ohio. You also cannot open burn automobiles, plastics, plastic-coated copper wire, tires, furniture, etc. for waste disposal purposes. The burn site needs to be cleaned up and the wastes properly disposed of in a licensed landfill.

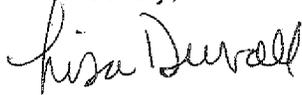
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials on this property or any other property, legal action will be taken against you.

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I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid 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 to pursue such penalties in this case will be made by Ohio EPA at a later date.

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

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure