



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

February 23, 2007

Re: Tuscarawas County  
Open Burning  
Complaint 20070037

**Certified: 70060100000356203010**

Superior Mobile Homes  
5151 Rutledge St.  
Midvale, Ohio 44653

Dear Owner:

I am writing this letter in response to a fire report from the New Philadelphia Fire Department received by this office on February 14, 2007. The complaint states that Mr. Tim Matthews, who is an employee of Superior Mobile Homes, was open burning demolition materials from a mobile home that had been dismantled at 5151 Rutledge St., Midvale on February 12, 2007.

A business cannot open burn for waste disposal purposes. Demolition wastes, plastics, insulation, carpet, etc. cannot be open burned anywhere in Ohio. Open burning of this type 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 OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of this rule for you. If any one associated with Superior Mobile Homes continues to open burn improper waste materials, legal action may be taken against Superior Mobile Homes. Demolition wastes from Superior Mobile Homes also cannot be transported to any other property and burned.

I am requesting a written response from you within 15 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 the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

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If you have any questions, please contact me at this office at 740-380-5217.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

enclosure

cc: Tuscarawas County Health District, P.O. Box 443, Dover, Ohio 44622  
cc: New Philadelphia Fire Dept., 108 2<sup>nd</sup> St. S.E., New Philadelphia, Ohio 44663