



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

November 6, 2009

Re: Athens County
Open Burning
Complaint 30001139

Certified: 70073020000178847770

Ms. Cassandra Bowen
HBS Group
13650 Meadowdale Dr.
Athens, Ohio 45701

Dear Ms. Bowen:

I am writing this letter in response to a complaint received by this office on October 9, 2009. The complaint alleges that an old house and barn were burned near Athens, off State Route 50 east of Wolfs Well Drilling Company.

On October 23, 2009, I investigated this complaint and found the burn site. The area had been recently excavated. Scorched metal and partially burned wood was observed. I could not find anyone at home in the area. Upon further investigation, I found that HBS Group had demolished the buildings.

On October 29, 2009, I spoke to you by phone. You are the owner of HBS Group (a construction company) and PBH Investments who is the property owner. You told me that there was no house, but that a barn and a smaller building had been torn down. Some wood and other waste materials that were inside the barn had been burned. Other waste materials were piled on the property. During our discussion, you indicated that you have not disposed of any of the wastes in a landfill. As I explained at that time, demolition wastes cannot be open burned in Ohio. A business cannot open burn any type of waste material for disposal purposes.

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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of this rule for you. If you continue to open burn improper waste materials on this property or any other property in Ohio, legal action may be taken against you.

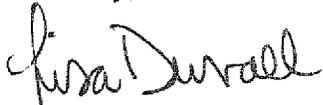
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I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

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.

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

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Athens County Health District