



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-8490
www.epa.state.oh.us

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

March 28, 2007

Re: Athens County
Open Burning
Complaints #20070051

Certified: 70060100000356203331

Mr. Harold Six
12353 State Route 691
Nelsonville, Ohio 45764

Dear Mr. Six:

I am writing this letter in response to a complaint received by this office on March 1, 2007. The complaint alleges that illegal burning of waste materials is being conducted at 12353 State Route 691, Nelsonville, Ohio. On March 19, 2007, I conducted an inspection at this site. Mr. Sam Henderson accompanied me during the inspection. I observed a scrapping operation in which some plastic wastes with wire were being burned in a wood stove. A wood stove cannot burn efficiently enough to properly incinerate the air pollutants generated by the burning of the plastic wastes or wire insulation.

Because the wood stove was never designed to meet the incinerator standards specified in Ohio Administrative Code (OAC) rule 3745-17-09 and/or the standards established by OAC rule 3745-31-05, the use of the wood stove to burn the waste materials is considered to be open burning. This letter is to inform you that the waste burning activity being conducted at this site is in violation of the requirements specified in OAC Chapter 3745-19 (Open Burning Standards).

The open burning of wire insulation, plastic, and metal wastes is not allowed anywhere in the State of Ohio. Continuing to burn any improper waste materials by you at this site is in violation of OAC rule 3745-19-04. If you continue these activities, legal action will be taken against you. All burning in violation of these requirements must stop immediately.

Open burning of wire insulation and other materials for scrapping purposes are illegal due to the adverse health impacts to people. By burning these wastes, you are exposing yourself and anyone near the burning to very toxic chemicals. The toxic air pollutants from the open burning of waste materials are deposited onto the ground where people and pets may come in contact with the pollutants. The ash and debris are washed into the waterways contaminating the streams. The burning causes the waste materials to be reduced to small particles and toxic gases that are released at ground level where they are breathed into the lungs of anyone near the burning site.

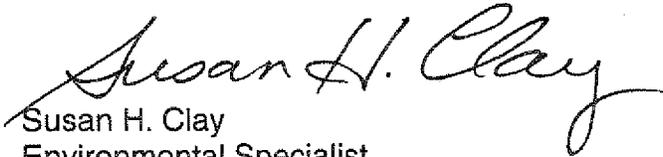
Mr. Harold Six
March 28, 2007
Page 2

I am requesting a written response from you, within 30 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 the 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 the Ohio EPA at a later date.

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

Enclosed is a copy of OAC Chapter 3745-19 (Open Burning Standards). Please contact me at (740) 380-5229 if you have any questions.

Sincerely,



Susan H. Clay
Environmental Specialist
Air Pollution Control

SHC/mlm

Enclosure

cc: The Athens County Health District
The York Township Volunteer Fire Department
Mr. Ken Mettler: OEPA-SEDO Special Investigations Unit
Mr. Joe Holland: OEPA-SEDO-DSIWM
Mr. Dave Chenault, OEPA-SEDO-DSIWM