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

August 18, 2009

Re: Belmont County
Open Burning

Certified: 70063450000190558386

Mr. James Higgins
55041 Key Bellaire Road
Bellaire, Ohio 43906

Dear Mr. Higgins:

I am writing this letter in response to a report from the Belmont County Sheriff's Office, received by this office on August 5, 2009. The report states that on August 2, 2009, Deputy Moore observed the open burning of a mobile home, paneling, framing, insulation, Styrofoam insulation, plastics, and other waste materials in the Brookfield Addition, Bellaire. The fire department was called to extinguish the fire. You were found to be the owner of the property.

Demolition wastes, insulation, plastics, furniture, paneling, etc., cannot be open burned anywhere in Ohio. Open burning 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 pamphlet that explains Ohio's open burning rules for you. If you continue to open burn improper waste materials, legal action will be taken against you.

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 Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM 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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Dave Chenault, DSIWM/SEDO