Lisa

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

August 26, 2011

Re: Belmont County
Open Burning 2055
Complaint 30001104

Certified: 70101060000178962723

Mr. Randy Horn
56691 Key Bellaire Rd.
Bellaire, Ohio 43906-9532

Dear Mr. Horn:

I am writing this letter in response to a complaint received by this office on June 8, 2011. The complaint alleges that demolition waste materials are being hauled to a property on State Route 147 near Bellaire and burned. Through my investigation, I found that you are the owner of this property. I spoke to you by phone on August 3, 2011 in regard to this complaint.

The Spirit of 76 Fire Department responded to a report of a fire at the corner of State Route 147 and Fulton Hill Road on June 6 and June 8, 2011. The fire reports indicate that building materials, wood, plastic, wiring, mattresses and other waste materials were being burned.

On June 15, 2011, I investigated this complaint and inspected the site with the Spirit of 76 Fire Department. Evidence of the open burning of wood, demolition waste materials, plastic-containing materials and other solid waste materials was observed. There was an unburned pile of demolition waste materials near the burn pile. The address of the burn site is 64560 Fulton Hill Road, Bellaire.

Demolition waste materials and/or any type of waste material that is hauled to another property (including tree trimmings) cannot be open burned anywhere in Ohio. 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 copy of 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 or allow others to burn on your property, legal action <u>may</u> be taken against you as the property owner.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop all 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.

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM 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 or 1-800-686-7330.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Spirit of 76 Fire Department, 53890 Key-Bellaire Rd., Bellaire, OH 43906