



**Environmental
Protection Agency**

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

March 3, 2011

Re: Belmont County
Open Burning
Complaint

Certified: 70101060000178961832

Mr. Erick Hennebert
1645 Conewago Creek Rd.
Manchester, PA 17345

Dear Mr. Hennebert:

I am writing this letter in response to complaints received by this office on November 18 and 23, 2010 and February 16, 2011. The complaints allege that plastics, wood, tires, a couch and other solid waste materials are being burned at 123 Chester St., Holloway, Ohio. Belmont County Court records indicate that you are the owner of this property.

On November 24, 2010, I investigated the first complaints and spoke to Ms. Bradford in regard to these complaints. Evidence of open burning in violation of Ohio's open burning rules was observed during my investigation, and I explained to Ms. Bradford that this type of open burning was not permitted.

On February 25, 2011, I investigated the most recent complaint. Even though this complaint was recent, it did not appear that the house is currently being occupied. Evidence of another burn pile was observed, and it appeared that a box spring, furniture, wood, and demolition wastes had been open burned.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. Because there is not a burn site location on your property that is at least 1,000 feet from any inhabited building not on your property, you cannot open burn residential waste at this location.

Plastics, demolition or construction wastes, garbage, furniture, tires, etc. cannot be open burned 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 pamphlet that explains 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 allow the open burning of improper waste materials on your property, legal action will be taken against you as the property owner.

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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 cleanup of the burn areas 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.

We would appreciate any assistance you can provide in ensuring that your tenants comply with Ohio's open burning regulations.

Please contact me at 740-380-5217 so that we can discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure