



**Environmental
Protection Agency**

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

April 7, 2011

Re: *Belmont*
Monroe County
Open Burning
Complaint 30001776

Certified: 70101060000178962174

Mr. Chuck Schwaben
Diversified Ohio Valley Equipment & Services
P.O. Box 73
Clarington, Ohio 43915

Dear Mr. Schwaben:

I am writing this letter in response to a complaint received by this office on March 9, 2011. The complaint alleges that rubber hoses from mining equipment are being burned at your facility.

On March 22, 2011, I investigated this complaint and spoke to you. Evidence of the open burning of wood, trash, plastics, household garbage, furniture, a couch, and other solid waste materials was observed. You indicated that all rubber hoses are collected in a dumpster and disposed of by Lytton Sanitation Service, Inc.; however, some of your employees have hauled their household wastes and furniture to your property to be burned. As I explained at that time, a business cannot open burn any type of waste for disposal purposes. You assured me that the burn site would be cleaned up and that there would be no more open burning on your property.

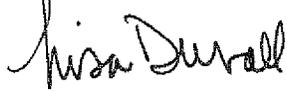
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of this rule for you. If you continue to open burn improper waste materials, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which 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 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.

Mr. Chuck Schwaben
Diversified Ohio Valley Equipment & Services
April 7, 2011
Page 2

If you have any questions regarding this matter, please contact me at 740-380-5217 or
1-800-686-7330.

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure