



**Environmental
Protection Agency**

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

September 20, 2011

Re: Belmont County
Open Burning
Complaint 30002018

Certified: 70101060000178960880

The Miller Sawmill
Mr. Allen Miller, Mr. David Miller and Mr. Levi Miller
33000 Rock River Road
Barnesville, Ohio 43713

Gentlemen:

I am writing this letter in response to a complaint received by this office on August 25, 2011. The complaint alleges that wood slabs are being burned at your sawmill.

On September 7, 2011, I investigated this complaint and spoke to Allen Miller. Wood slabs were being open burned in a large tank during my investigation. There was a large pile of slabs piled behind the mill and Allen told me that they burned the slabs to get rid of them. As I explained at that time, waste materials that are generated by a business cannot be open burned for waste disposal purposes. The slabs and other wood wastes must be disposed of in a licensed land fill, recycled, or given away for use in heating units (fire places, wood burners, outdoor wood-fired boilers, etc.). I have enclosed a list of recyclers for you.

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 gave you a pamphlet that explains this rule. 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, 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.

The Miller Sawmill
Mr. Allen Miller, Mr. David Miller and Mr. Levi Miller
September 20, 2011
Page 2

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,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: DMWM