



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

October 5, 2009

**Re: Belmont County
Open Burning
Complaint 30001100**

Certified: 70073020000178820438

Mr. Avery Coss
50989 Hell's Kitchen Road
St. Clairsville, Ohio 43950

Dear Mr. Coss:

I am writing this letter in response to a complaint received by this office on September 15, 2009. The complaint alleges that you are tearing down an old house in Maynard and burning the demolition wastes on your property in St. Clairsville.

On September 24, 2009, I investigated this complaint. I attempted to speak to you but you were not home at the time of my investigation. I left a pamphlet on the gas grill on your porch that explains Ohio's open burning rules. Evidence of the open burning of wood, asphalt shingles and other demolition wastes was observed.

Demolition wastes, asphalt shingles, insulation, carpet, vinyl siding, etc., cannot be open burned 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 fine. 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, 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.

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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.

Please contact me at this office so that we can discuss this complaint. You can 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/dh

Enclosure

cc: Dave Chenault, SEDO, DSIWM