



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korteski, Director

September 25, 2009

Re: Belmont County  
Open Burning  
Complaint 30001072

Certified: 70073020000178847671

Mr. Dennis Hendershot  
Ohio West Virginia Excavating  
56270 Dilles Bottom Rd.  
Shadyside, Ohio 43947-8717

Dear Mr. Hendershot:

I am writing this letter in response to a complaint received by this office on August 28, 2009. The complaint alleges that unknown materials were being burned on Dilles Bottom Road, Shadyside.

On August 28, 2009, Deputy Moore of the Belmont County Sheriff's Office responded to the fire call and found wood and brush being burned on property owned by Ohio West Virginia Excavating. He then called me with his findings. On August 28, 2009, I spoke to Nancy at Ohio West Virginia Excavating in reference to the open burning. As I explained at that time, a business cannot open burn any type of material for waste disposal purposes. This restriction includes tree trimmings, paper and brush generated by a business.

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. 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 at this location, legal action will be taken against you. I am enclosing a copy of this rule for you.

If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure