



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

November 13, 2008

Re: Vinton County
Open Burning
Complaint 30000629

Certified: 70063450000190562499

Mr. Charles Remy
33677 Kelly Rd.
Ray, Ohio 45672

Dear Mr. Remy:

I am writing this letter in response to a complaint received by this office on October 25, 2008. The complaint alleges that you are open burning a large pile of construction wastes on Carpenter Road, Allensville.

On November 3, 2008, I investigated this complaint. During my investigation, I observed a large plume of black smoke up the street from your car dealership. When I asked to speak to you, I was directed to that area and was informed that you were on the backhoe. I told you who I was and why I was there. You told me that you were having trouble with a man you were evicting and you only burned wood. As I tried to explain at that time, demolition wastes, including wood, cannot be open burned in Ohio. I continued up the hill and found a large fire. Wood from the demolition of a building was being burned. I also found a burn site behind a building on the corner of State Route 50 and Carpenter Road. Evidence of the burning of a mattress, wood, and other wastes was observed at this site.

Demolition wastes, tires, furniture, and any type of waste materials generated from your business or rentals cannot be open burned in Ohio. Waste also cannot be transported from one site to another and burned for disposal purposes.

Open burning improper waste materials at these locations 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. If you continue to open burn improper waste materials, legal action will be taken against you. I am enclosing a copy of this rule for you.

I am requesting a written response from you, within 10 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 Ohio EPA of a schedule for

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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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department 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.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Vinton County Health Dept., P.O. Box 305, McArthur, Ohio 45651