



**Environmental
Protection Agency**

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

June 3, 2011

Re: Belmont County
Open Burning
Complaint 30001856

Certified: 70101060000178962426

Mr. John Lemon
69762 Ohio St.
Martins Ferry, Ohio 43935-9722

Dear Mr. Lemon:

I am writing this letter in response to a complaint received by this office on April 28, 2011. The complaint alleges that you hauled demolition waste materials to your property and later set fire to the waste materials.

On May 4, 2011, I investigated this complaint and spoke to you. The fire was still smoldering in several places. You are filling in over a hill with wood, block, trees, etc., and dumping truck loads of dirt on top of the wastes. You told me that you set some tree trimmings on fire and the fire got away from you and caught the fill area on fire. The local fire departments were called. There is a bulldozer on site along with several piles of dirt. You are going to use the dirt to smother out the fire. As I explained during my visit, you are responsible for putting the fire out completely. Because your property is located in a restricted area, the burning of the tree trimmings, paper, leaves, etc. is not permitted. Demolition waste materials or any type of waste material that is hauled to another property cannot be open burned in Ohio.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 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 3745-19-03 must stop immediately. The fire must be completely put out. If the fire continues to smolder or additional improper waste materials are open burned on this property, legal action will be taken against you.

I am requesting a written response from you, within 7 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-03, an update on your progress thus far, including the measures that have been taken to completely extinguish the fire. The Ohio EPA has the 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 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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: DMWM-SEDO