



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

June 30, 2009

Re: Belmont County  
Open Burning  
Complaint 30000931

Certified: 70063450000190558027

Effie Hollins  
3567 Franklin St.  
Bellaire, Ohio 43906

Dear Ms. Hollins:

I am writing this letter in response to a complaint received by this office on June 9, 2009. The complaint alleges that trees, tires, plastic-coated copper wire and other solid wastes are being open burned on Pinch Run Road, Bellaire. County court records indicate that you recently bought this property. A search on the internet lists Mr. Denny and Ms. McCardle as the residents of this Pinch Run Road home.

On June 25, 2009, I investigated this complaint. Evidence of the open burning of wood, plastics, brush, tree trimmings and other solid wastes was observed next to the creek along Pinch Run Road. A dump truck was pulling out after dumping tree trimmings on the burn site next to the creek. Waste materials, including tree trimmings, that are hauled in to a property cannot be open burned. Tires, shingles, demolition or remodeling wastes, furniture, etc., cannot be open burned anywhere 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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn or allow the open burning of improper waste materials on this property, legal action will be taken against the residents and you, as the property owner. 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 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.

Effie Hollins  
June 30, 2009  
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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.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-866-7330.

Sincerely,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure