



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, 2009

Re: Belmont County
Open Burning
Complaint 30000931

Certified: 70073020000178847817

Mr. William Booth
3567 Franklin St.
Bellaire, Ohio 43906-1105

Dear Mr. Booth:

On October 26, 2009, I observed evidence of the open burning of tires and plastic-coated copper wire on Pinch Run Road, Bellaire.

I spoke to Effie Hollins, of your residence, and she informed me that she has recently transferred this property to you. As you are both well aware, illegal open burning has been an ongoing problem at this site for some time. I contacted Ms. Hollins by letter and by phone in June and July of 2009 in reference to the open burning. She told me that she would fence off the burn area to restrict access to the site and speak to the tenant to stop them from burning on her property. The fence has never been installed.

The open burning of plastic-coated copper wire and tires is not permitted anywhere in Ohio. Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. As the property owner, you can be held legally responsible for violations of this rule. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to allow the open burning of improper waste materials at this location, legal action will be taken against you as the property owner.

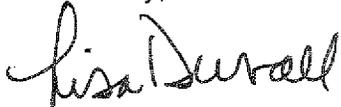
I am requesting a written response from you, within 7 days of receipt of this letter, that includes a commitment from you to stop the open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt 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.

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

cc: Dave Chenault, SEDO/DSIWM
Cc: Ken Mettler, SEDO/DERR