



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

January 16, 2009

Re: Belmont County
Open Burning
Complaint 30000691

Certified: 70073020000178821671

Mr. Gary Miller
Miller Construction
58295 Deep Run Road
Martins Ferry, Ohio 43935-9736

Dear Mr. Miller:

I am writing this letter in response to a complaint received by this office on December 31, 2008. The complaint alleges that you are open burning demolition wastes and other solid wastes that are hauled to your property on Deep Run road.

On January 5, 2009, I investigated this complaint and spoke to you. At the time of my inspection, you were burning wood, demolition wastes, and other materials. You told me that you had cleaned out your basement and hauled the wastes to this property to burn them.

The open burning of demolition debris, plastics, tires or any type waste that is hauled in to a property (including residential waste) is not permitted in Ohio. I gave you a pamphlet that explains Ohio's open burning rules. 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 maximum fine of up to \$25,000 per day per violation. If you continue to open burn improper waste materials, legal action will be taken against you.

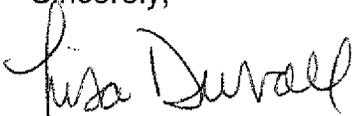
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of the requirements specified in OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy 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.

Mr. Gary Miller
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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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO
cc: Bob Murphy, DSIWM/SEDO