



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 Korteski, Director

July 24, 2009

Re: Belmont County
Open Burning
Complaint 30000959

Certified: 70063450000190558232

Ms. Donna Hennebert
39395 Everett Turner Dory Road
Bethesda, Ohio 43719

Dear Ms. Hennebert:

I am writing this letter in response to a complaint received by this office on June 26, 2009. The complaint alleges that construction debris was open burned on your property. The Bethesda Fire Department responded to the fire on your property in June.

On July 9, 2009, I spoke to you at your home. You told me that you had burned an old porch that you had torn off of your home. As I explained at that time, construction and/or demolition wastes cannot be open burned for waste disposal purposes in Ohio.

On July 17, 2009, I spoke to Mr. Brian Hall of the Bethesda Fire Department. Mr. Hall informed me that wood and demolition materials had been hauled to your property and burned. These materials were from a house in Barnesville that had been partially burned and was then demolished. You did not inform me of this when I spoke to you. No construction and/or demolition waste materials may be hauled from one site to another to be open burned for disposal purposes. If the trucking company you operate from this property (D. Hennebert Trucking) was involved in the hauling of the waste materials, legal action may be taken against the company and you as the property owner.

While on your property, I also observed a large pile of trees that had been cleared from the property and piled over the hill. To open burn land clearing waste, you need prior written permission from the Ohio EPA, you must use an air curtain destructor, all burning must be conducted inside a pit, the burn site must be located in an unrestricted area and the burn site must be at least 1,000 feet from the nearest neighbor.

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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of this rule for you. If you continue to open burn improper waste materials, legal action will be taken against you.

Ms. Donna Hennebert
July 24, 2009
Page 2

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.

I am requesting a written response from you, within 10 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04.

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

Enclosure

cc: Dave Chenault, Manger, DSIWM
Brian Hall, Bethesda Fire Department