



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

April 22, 2008

Re: Belmont County  
Open Burning  
Complaint 30000187

Certified: 70041160000169052967

Mr. and Mrs. Rumpkey  
Rumpkey Construction  
51730 Glencoe Stuartsville Road  
Stuartsville, Ohio 43933-9718

Dear Mr. and Mrs. Rumpkey:

I am writing this letter in response to a complaint received by this office on April 9, 2008. The complaint alleges that you are open burning waste materials near the old railroad tracks behind your home.

On April 16, 2008, I investigated this complaint and spoke to you, Mrs. Rumpkey. You told me that your husband occasionally burns wood. As I explained to you at that time, a business cannot open burn any type of waste material for disposal purposes. To open burn residential waste (such as paper, leaves, tree trimmings, etc.) that is generated on the residential property, the burn site must be at least 1,000 feet from the nearest neighbor. At the burn site, I observed evidence of previous fires. Construction debris, lumber, vinyl siding scraps, carpet, boxes, and other waste materials were piled on top of the ash pile. These wastes appear to be from your construction business.

Open burning of waste materials for disposal purposes 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 may be taken against you.

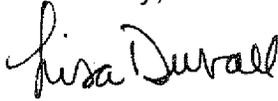
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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. and Mrs. Rumpkey  
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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 concerning 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, DSIWM/SEDO