



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

July 30, 2007

Re: Belmont County  
Open Burning  
Complaint 20070351

Certified: 70063450000190547151

Mr. Frank Myers  
P.O. Box  
65317 Echo Road  
Neffs, Ohio 43904

Dear Mr. Myers:

I am writing this letter in response to a complaint received by this office on July 13, 2007. The complaint alleges that you are open burning demolition wastes that are being hauled by dump truck to your residence on Echo Road, Neffs.

On July 20, 2007, I investigated this complaint along with Neffs' Fire Chief Driscoll. There was no one at your home at the time of our investigation. I left my business card and a pamphlet that explains Ohio's open burning rules in your door. Several attempts have also been made to contact you by phone. A large burn pile was observed in your front yard and tracks from a truck or trucks led through the uncut weeds to the road. Where were these materials hauled from and who hauled these solid wastes to your property?

Demolition debris, shingles, furniture, tires, and any other waste materials that are hauled to your property cannot be open burned for waste disposal purposes. Open burning improper waste materials is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a 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. 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 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 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.

Please contact me at 740-380-5217 or 1-800-686-7330 as soon as possible so that we can discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO