



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 21, 2011

Re: Belmont County
Open Burning
Complaint 30001821

Certified: 70101060000178962266

Ms. Barbara Angus
616 Addison St.
Washington, PA 15301

Dear Ms. Angus:

I am writing this letter in response to a complaint received by this office on April 11, 2011. The complaint alleges that trash and trailer parts are being burned on Mt. Victory Road, Powhatan Point, Ohio.

On April 14, 2011, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage, carpet, insulation, demolition waste materials, clothing, furniture and other solid waste materials was observed in the backyard of 34345 Mt. Victory Road. The home appears to be vacant. I left my business card and a pamphlet in the door that explains Ohio's open burning rules. A neighbor told me that your son, Shane Angus, was seen on the property burning in the backyard.

A search of the Belmont County Auditor's records indicates that you are the owner of this property.

Plastics, demolition or construction waste materials, garbage, furniture, clothing, insulation, plastics, buildings, trailers, etc. cannot be open burned 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 maximum fine of up to \$25,000 per day per violation. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If improper waste materials continue to be burned on this property, legal action will be taken against you as the property owner.

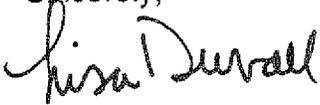
I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt as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

Please contact me at 740-380-5217 or 1-800-686-7330 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/mim

Enclosure

cc: DSIWM-SEDO