



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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www.epa.state.oh.us

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

September 15, 2010

Re: Belmont County  
Open Burning  
Complaint

Certified: 70101060000178960200

Mr. John Rosen  
57650 Armstrong Centerville Road  
Jacobsburg, Ohio 43933-8733

Dear Mr. Rosen:

I am writing this letter in response to a complaint received by this office on August 23, 2010. The complaint alleges that tires and other waste materials are being burned.

On August 26, 2010, I investigated this complaint and spoke to you. You are cleaning up a property and had burned some tires, trees, and part of an old trailer. Evidence of the open burning of wood, tires, a trailer, and other solid waste materials was observed. As I explained at that time, tires, plastics and any type of demolition wastes cannot be open burned in Ohio. I gave you a pamphlet that explains Ohio's open burning rules.

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. 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.

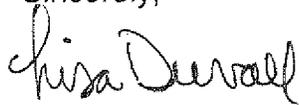
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as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

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.

Mr. John Rosen  
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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

cc: DSIWM, SEDO