



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

June 12, 2007

**Re: Jefferson County
Open Burning
Complaint 20070224
Certified Mail 70063450000190546468**

Mayor Dave Gaffney
P.O. Box 59
Bloomingdale, Ohio 43910

Dear Mayor Gaffney:

I am writing this letter in response to a complaint received by this office on May 20, 2007. The complaint alleges that solid wastes are being open burned behind the village park.

On May 29, 2007 I investigated this complaint. The road to the dump area was gated and locked. Evidence of open burning was observed and other wastes were piled on the site. I attempted to speak to a representative from the village but was unable to find anyone. I left a pamphlet that explains Ohio's open burning rules in your door.

On May 30th I spoke to you by phone. You told me that the village had been ordered by the Health Department to clean up the area. Dumpsters are being brought in for the wastes that are not wood and you were planning to burn the wood wastes. The open burning of these wood wastes is in violation of Ohio Administrative Code Rule 3745-19-03. Materials that are hauled in can not be open burned for waste disposal purposes. Residential wastes such as paper, leaves, tree trimmings, wood, etc also can not be open burned in a restricted area. These materials must be disposed of in a licenced landfill or licenced demolition landfill.

Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. All open burning in violation of OAC rule 3745-19-03 must stop immediately. If the village continues to open burn improper waste materials, legal action may be taken against the village.

I am requesting a written response from you within 15 days of receipt of this letter that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-03, 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.

If you have any questions, please contact me at this office at (740) 380-5217.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

cc: Dave Chenault, DSIWM, SEDO