



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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www.epa.state.oh.us

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

October 22, 2009

**Re: Jefferson County
Open Burning
Complaint 30001092**

Certified Mail 70073020000178820377

Mayor Steven Tucker
The Village of New Alexandria
3587 State Highway 151
Mingo Junction, Ohio 43938

Dear Honorable Mayor Tucker :

I am writing this letter in response to a complaint received by this office on September 15, 2009. The complaint alleges that plastic flowers, pots, foam, etc., are being open burned at the New Alexandria cemetery.

On October 2, 2009, I investigated this complaint. There were no employees at the cemetery and no office that I could find. Evidence of the open burning of plant trimmings, paper bags and plastic pots was observed at the top of the hill.

On October 5, 2009, I spoke to you by phone. You told me that the village owns the cemetery and you were not aware of the burning. You gave me contact information for Mr. Still of the New Alexandria Fire Department and I also contacted him in regard to this complaint.

A business cannot open burn for wastes disposal purposes. Plastics cannot be open burned in Ohio. Open burning of waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. I am enclosing a copy of this rule for you.

I am requesting a written response from the village, within 14 days of receipt of this letter, that includes a commitment 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 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.

The Village of New Alexandria
October 22, 2009
Page 2

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

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/dh

Enclosure

cc: The New Alexandria Volunteer Fire Department