



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

June 3, 2009

Re: Hocking County
Open Burning
Complaint 30000909

Certified: 70063450000190557846

Mr. Mike Stearn
26474 State Route 180
Rockbridge, Ohio 43149-9765

Dear Mr. Stearn:

I am writing this letter in response to a complaint received by this office on May 22, 2009. The complaint alleges that you open burned a barn on your property.

On May 22, 2009, I investigated this complaint. There was no one at your home at the time of my investigation. Evidence of the open burning of wood and other wastes was observed in a pit that had been dug to the right of the driveway. I also received a report from the Logan Fire Department that states that they responded to a fire call at this same site on May 20, 2009.

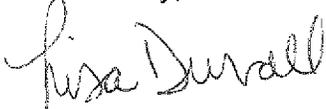
Buildings, tires, automobile parts, asphalt shingles, etc., cannot be open burned for waste disposal purposes in Ohio. Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of this rule for you. 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.

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

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Logan Fire Dept.