



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

April 27, 2009

Re: Hocking County
Open Burning
Complaint 30000813

Certified: 70073020000178822098

Mr. Gary Roop
G. Roop Building and Excavating
16340 Cox Rd.
Logan, Ohio 43138

Dear Mr. Roop:

I am writing this letter in response to a complaint received by this office on March 25, 2009. The complaint alleges that unknown materials are being open burned on your property and creating a large amount of smoke and fumes.

On April 2, 2009, I investigated this complaint. There was no one at your home or at your shop at the time of my investigation. I found the burn pit behind your shop. Evidence of the open burning of wood, insulation and other solid wastes was observed. A truck with your company name and phone number was on the property. I have called the number several times but have been unable to contact you.

A business cannot open burn any type of waste that is generated in the course of doing business. Demolition and construction debris, insulation, plastics, garbage, tires, automobile parts, etc. cannot be open burned anywhere 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. 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. I left a pamphlet in your news paper box that explains Ohio's open burning rules. If you continue to open burn improper waste materials, legal action will be taken against you.

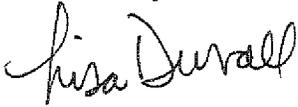
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as 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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A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

Please contact me at 740-380-5217 as soon as possible so that we can discuss this situation.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure