



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

August 27, 2010

Re: Harrison County
Open Burning
Complaint 30001553

Certified: 70101060000178960040

Ms. Bonita Jasmin
P.O. Box 334
Adena, Ohio 43901-0334

Dear Ms. Jasmin:

I am writing this letter in response to a complaint received by this office on July 30, 2010. The complaint alleges that you and your husband hauled nine truck loads of demolition wastes to your property on State Route 250, Harrisville and open burned these waste materials.

I received a copy of the Harrisville Volunteer Fire Department's incident report. The report states that a shower stall, carpet, particleboard, and paneling were being open burned on July 29, 2010. A second report, dated July 31, 2010, indicated that demolition wastes were again being open burned and that no one was present on the property when the fire department arrived.

On August 4, 2010, I investigated this complaint. Evidence of the open burning of demolition wastes was observed. I observed the burn site and two unburned piles of lumber on the property. I spoke to you at the burn site and explained that demolition wastes cannot be open burned in Ohio. You told me that you had torn down a trailer and were recycling as much as possible from the trailer. You were aware that you could not dump the wastes from the trailer because you had been cited in Jefferson County for open dumping. Demolition wastes of any kind, including wood, cannot be open burned in Ohio. I gave you a pamphlet that explains Ohio's open burning rules and a copy of Ohio Administrative Code Chapter 3745-19.

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 fine. 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 on this property or any other property in Ohio, legal action will be taken against you.

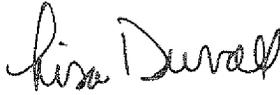
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I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining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

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

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Harrisville Vol. Fire Department, P.O. Box 279, Harrisville, Ohio 43974-0279
cc: DSIWM/SEDO