



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-6501 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 30001530

Certified: 70101060000178960019

Mr. Mark Banal
T-8 Restaurant
151 State Route 250
Adena, Ohio 43901-6930

Dear Mr. Banal:

I am writing this letter in response to a complaint received by this office on August 9, 2010. The complaint alleges that trash from the restaurant is being burned in barrels.

On August 18, 2010, I investigated this complaint and spoke to you and Deborah. Evidence of the open burning of cardboard, paper, and plastic bags was observed in the barrels at the rear of your parking lot. At that time, I explained that any type of solid waste that is generated by a business cannot be open-burned for waste disposal purposes.

Deborah explained that she had been told by a member of the city council that you could burn after 6:00 p.m. As I explained during our visit, the 6:00 p.m. time restriction is an Ohio Department of Natural Resources (ODNR) requirement. ODNR requests that any open burning of appropriate materials (i.e., brush, tree trimmings, leaves, etc.) be conducted after 6:00 pm so that if the fire gets out of hand the local volunteer fire department is staffed and can respond to the fire.

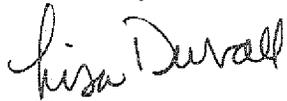
If a property is in an unrestricted area and the burn site is 1,000 feet from the nearest inhabited structure located off that property, residential or agricultural waste can be open burned if the conditions specified in Ohio Administrative Code (OAC) rule 3745-19-04(B)(3) are met. Residential and agricultural waste are defined in OAC rule 3745-19-01 and include such items as paper, cardboard, leaves, tree trimmings, crop residue from residential activities, and agricultural matter generated by crop, horticultural, or livestock production practices, respectively.

Open burning of improper waste materials at this location is in violation of OAC rule 3745-19-04 and is punishable by a fine. I gave you a pamphlet that explains this rule. If you continue to open burn improper waste materials at this location, legal action may be taken against you.

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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm