



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 16, 2010

Re: Noble County
Open Burning
Complaint 30001400

Certified: 70073020000178849651

Mr. Shawn Rose
5124 Boltz Rd. SE
New Philadelphia, Ohio 44663-7812

Dear Mr. Rose:

I am writing this letter in response to a report from the Noble County Sheriff's Office received by this office on May 11, 2010. The report indicates that you set a house on fire that is owned by Mr. Mike Galayda, with his permission, so that you could have any materials salvaged from the remnants of the house. The house is located at 14474 Moore Street, Coal Ridge, Ohio, just north of Belle Valley. Information from the Noble County Sheriff's Office indicates that the house was known to contain asbestos. The local fire department had declined to use the house for fire training purposes because of the asbestos.

On May 25, 2010, I investigated this report and found the burn site. The furniture and appliances appear to have been taken out. The structure of the house was partially burned. I observed asphalt shingles on the newer part of the roof that had been burned. The house has siding on the outside that could contain asbestos.

Open burning a house for waste disposal purposes is not permitted in Ohio. Demolition wastes from houses and buildings also cannot be open burned in Ohio. Open burning of this type 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 burning of improper waste materials on this property or any other property in Ohio, legal action will be taken against you.

The Ohio EPA has the 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.

Mr. Shawn Rose
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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.

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

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Noble County Health District, 44069 SR 821, Caldwell, Ohio 43724
cc: The Noble County Sheriff's Office, 420 Olive St., Caldwell, Ohio 43724