



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: 70073020000178849668

Mr. Mike Galayda
418 King St.
Fairport Harbor, Ohio 44077

Dear Mr. Galayda:

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 Mr. Shawn Rose, with your permission, set a house on fire that is owned by you so that he 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 may 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 allow the open burning of 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, documentation that the property has been released from the Noble County Sheriff's Office and the State Fire Marshal investigations, 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

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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 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