



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

March 25, 2008

RE: Gallia County  
Open Burning  
Complaint 30000118

Mr. and Mrs. Phillip Doss  
479 Bunce Road  
Gallipolis, OH 45631

Certified: 70063450000190546818

Dear Mr. and Mrs. Doss:

I am writing this letter in response to a complaint received by this office on February 27, 2008. The complaint alleges that tires and gas tanks from an old junk yard are being open burned along Bunce Road.

On March 5, 2008, I investigated this complaint. There did not appear to be anyone home at the time of my investigation. I left a pamphlet that explains Ohio's open burning rules on the windshield of the red Ford Bronco. Evidence of the open burning of tires was observed near the road. Gallia County Court records list this property as belonging to several members of the Baird family.

On March 10, 2008, I spoke to Mrs. Baird and you, Mrs. Doss, about the open burning violations. You told me that you and your husband (Phillip) own a recycling business. The gas tanks had not been burned, but had been removed from vehicles before they were scrapped. Neither you nor Mrs. Baird would tell me who burned the tires. There was also a large pile of garbage bags piled on the ground. Plastics, garbage, automobile parts, tires, plastic-coated copper wire, and anything that is hauled in to a property is not permitted to be open burned anywhere in Ohio.

Open burning of this type 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. If you continue to open burn improper waste materials, legal action may be taken against you and the owners of this property.

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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 a schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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, please contact me at this office at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cb

cc: Gallia County Health Dept. Ms. Bradley, 499 Jackson Pike, Gallipolis, OH 45631  
cc: Mr. Phil Baird, 379 Keeler Road, Gallipolis, OH 45631  
cc: Mrs. Charles Baird, 3614 Bulavilla Pike, Gallipolis, OH 45631