



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

May 10, 2007

Re: Gallia County
Open Burning
Complaint 20070180

Certified: 70063450000190545799

Mr. Clarence Roush
13154 State Route 554
Bidwell, Ohio 45614-9424

Dear Mr. Roush:

I am writing this letter in response to a complaint received by this office on May 1, 2006. The complaint alleges that your son, Clarence "Butch" Roush Jr., open burned a large amount of railroad ties on your property at 1352 State Route 554, Bidwell. The Springfield Township Fire Department, Mr. Michael Null of the Gallia County Emergency Management Agency, and the Gallia County Sheriff's Deputy all responded to the fire. They all observed the railroad ties being burned and your son told them that he had set the fire.

The open burning of railroad ties is not permitted 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. As the owner of the property, you are responsible for any illegal burning that occurs on your property. Your son can also be held responsible as the one who actually set the fire. If you or your son continue to open burn improper waste materials, legal action will be taken against both of 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, 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 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.

Mr. Clarence Roush
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Please contact me at 740-380-5217 or 1-800-686-7330 as soon as possible so that we can discuss this matter.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Gallia County EMA
The Springfield Twp. Fire Dept.
Gallia County Sheriff's Office