



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

June 12, 2007

**Re: Guernsey County
Open Burning
Complaint 20070234
Certified Mail 70063450000190546451**

Mr. Jake Hershberger
23130 Lydick Road
Quaker City, Ohio 43773

Dear Mr. Hershberger:

I am writing this letter in response to a complaint received by this office on May 24, 2007. The complaint alleges that you are open burning wood wastes from your sawmill on Caldwell road, Quaker City.

On May 31, 2007 Mr. Steve Lowry and I investigated this complaint and spoke to your son. A large sawdust pile and wood slabs had been pushed over the hill and into the woods. The fire was still burning during our inspection. The trees showed evidence of fire damage up to thirty feet. A business can not open burn for waste disposal purposes. The fire needs to be put out and the burn site and remaining wood wastes must be disposed of properly.

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. I left a pamphlet at your home and I also gave your son at the mill my card. All open burning in violation of OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action may 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, 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.

Mr. Jake Hershberger

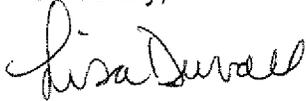
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A copy of this letter is being forwarded to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

Please contact me at this office at (740) 380-5217 or 1-800-686-7330 as soon as possible so that we may discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

Enclosure

cc: Dave Chenault, DSIWM, SEDO