



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

August 5, 2009

Re: Guernsey County
Open Burning
Complaint 3001005

Certified: 70063450000190558300

Mr. Dave Bartholow
P.O. Box 95
Byesville, Ohio 43723-0095

Dear Mr. Bartholow:

I am writing this letter in response to a complaint received by this office on July 26, 2009. The complaint alleges that you open burned unknown materials in Byesville.

On July 30, 2009, I investigated this complaint and found the burn site on 14th Street. There was no one at the property at the time of my investigation. A house had been torn down and demolition wastes, furniture, plastics, a large tree stump, grass and several gas cans had been burned. I was told that the Byesville Fire Department responded to the fire and had several trucks on site. On July 27, 2009, the fire department returned to the property and put the fire out.

Demolition debris, plastics, furniture, carpet padding, etc., cannot be open burned in Ohio. Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 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 3745-19-03 must stop immediately. I am enclosing a copy of this rule for you. If you continue to open burn improper waste materials, legal action will be taken against you.

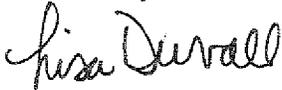
I am requesting a written response from you, within 10 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-03, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

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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.

If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Byesville Fire Dept., P.O. Box 97, Byesville, Ohio 43723
cc: David Chenault, DSIWM-SEDO