



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 12, 2011

**GUERNSEY COUNTY
GENERAL FILE
(CHESAR PROPERTY)
DHWM/SEDO
NON-NOTIFIER**

Mr. Richard Chesar
286 4th Street
Byesville, Ohio 43723

Dear Mr. Chesar:

On December 1, 2010, this office received a complaint regarding your property on Marietta Road (SR 821) in Byesville. The complaint alleged that tires, liquid waste and brush were being burned at this property. On December 28, 2010, Vicky German and I performed a complaint investigation to determine if the allegations were valid.

We observed a large burn pile of brush and trees, see attached photographs, and several five-gallon metal cans containing residues in the burnt portion of the pile. I spoke to you by telephone the following day and you indicated that that the cans had contained old varnish you used to start the fire and that there may be tires in the remaining pile.

Based on our observations from the investigation, you have violated the following regulations as found in the Ohio Revised Code or the Ohio Administrative Code (ORC and OAC, respectively). Please provide the documentation requested below within **thirty days** of the date of this letter:

- (1) **OAC 3745-19-04 - Open burning in unrestricted areas;** No person or property owner shall cause or allow open burning in an unrestricted area except as provided in Paragraphs (B) to (C) of this rule...

We observed a large burn pile that you stated that you burned on December 1, 2010. The fire you had does not meet the exclusions in Paragraph (B) and (C) of this rule, please see attachment. The fire was not one thousand feet from an inhabited building not located on the property and contained materials prohibited from open burning, therefore, you are prohibited from burning the remainder of the pile. There are several conditions that must be met to open burn land clearing wastes (trees, brush, etc.). These include prior written permission from Ohio EPA and the use of an air curtain destructor. To document compliance with this rule, provide photographs showing that all the wastes in the burn pile have been removed from the site.

OTHER COMPLIANCE ISSUES:

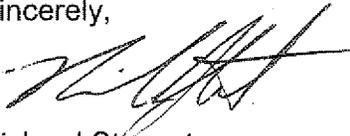
- (a) Solid wastes: ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning. OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

The materials in the burn pile must be removed from the site and disposed of properly. Any solid waste (trash, metal cans, etc.) in the pile or on other portions of the property must be separated from the brush/wood waste and disposed properly at a municipal solid waste landfill. Any scrap tires on the property must also be collected and disposed through a business that will manage them properly. In addition, if you have more than ten tires at the property, you must have them hauled by a business that is registered to haul scrap tires with the Ohio Environmental Protection Agency. **You must provide a disposal receipt** for any tires you have at this property. Additionally, please provide the name address of where you have the land clearing wastes, discussed above, disposed.

- (b) As we discussed, the liquid waste that you used to start the fire could be a hazardous waste if it was generated from a business, even a business operated out of a residence. If you did not personally generate these wastes from non-commercial activities, you must provide the name and address of the generator of this waste and state whether you possess any additional waste.

If you have any questions regarding hazardous waste management activities, please call me at (740) 380-5278. For questions regarding solid waste and tire disposal, please contact Brian Queen at (740) 380-5420. For questions on open burning and other air regulations, please call Lisa Duvall at (740) 380-5217.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management



Lisa Duvall
Environmental Specialist II
Division of Air Pollution Control

RS/mlm

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.