



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-6501 FAX: (740) 385-6490
www.epa.state.oh.us

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

March 20, 2008

**Re: Guernsey County
Open Burning
Certified Mail 7006345000190546840**

Mr. Bill Bommer
Muskingum Iron and Metal Company
345 Arthur Street
P.O. Box 815
Zanesville, Ohio 43702

Dear Mr. Bommer:

On March 5, 2008, Mr. Russell Flagg of the Ohio EPA, Southeast District Office observed smoke coming from your facility located on State Route 40, between Cambridge and New Concord. Upon investigation he spoke to your employees, who would not give their names. A coil of cable on a wood spool was being open burned at the time of the investigation. He also was shown a metal tank with a door cut into the side which had a large amount of ash inside. The employees asked if it would be acceptable if they burned the spool and wire inside the tank. As Mr. Flagg informed your employees, it is a violation of state open burning rules for the spool and wire to be burned inside or outside of the tank.

On November 6, 2007, I investigated a complaint of open burning copper wire inside gaylords at your facility and spoke to you. At the time of my investigation, a wooden spool with cable was being burned on the ground. I informed you that a business cannot open burn any type of material for disposal purposes. I spoke to you by phone on March 10, 2008 in regard to the March 5, 2008 and the November 6, 2007 violations.

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 any owner or employee of Muskingum Iron and Metal continue to open burn improper waste materials, legal action will be taken against Muskingum Iron and Metal.

Muskingum Iron and Metal Co.
March 20, 2008
Page 2

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 3745-19-04, 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 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, please contact me at (740) 380-5217.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

Enclosure

cc: Dave Chenault, DSIWM, SEDO
cc: Jack Joseph, Muskingum Iron & Metal
cc: Russell Flagg, DAPC, SEDO