



**Environmental
Protection Agency**

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

July 22, 2011

Re: Pike County
Open Burning
Complaint 30001963

Certified: 70101060000178962648

Mr. Sam Henderson
Lowmont Veneer
12500 State Route 124
Piketon, Ohio 45661

Dear Mr. Henderson:

I am writing this letter in response to a complaint received by this office on July 14, 2011. The complaint alleges that wood waste materials from the a sawmill on Sugar Run Road, Jasper, are being burned.

On July 19, 2011, I investigated this complaint and spoke to Mr. Sam Henderson. Mr. Henderson told me that bark was piled up and burned near the creek. Evidence of the open burning of wood waste materials was observed. As I explained at that time, a business cannot open burn any type of waste material for disposal purposes.

Open burning of improper waste materials at this location 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 am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of waste materials occurs again, legal action will be taken.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup 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.

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.

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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Pike County Health District