



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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[www.epa.state.oh.us](http://www.epa.state.oh.us)

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

May 9, 2008

Re: Pike County  
Open Burning  
Complaint 30000223

Certified: 70041160000169053094

Mr. Bob Fout  
The Pike County Fair Board  
311 Mill Street  
Piketon, Ohio 45661

Dear Mr. Fout:

On April 22, 2008, a large plume of smoke was observed coming from the Pike County Fairgrounds. Upon investigation, Mr. Ken Dewey of the Ohio EPA, Southeast District Office, DERR found two burn sites. Tires, railroad ties, and brush were being burned. Mr. Dewey spoke to you and you indicated that the fires had been set the previous night.

On April 29, 2008, I spoke to you at the fairgrounds. The burn pile behind the horse barn had been cleaned up. The larger fire site had not been cleaned up. Brush, railroad ties, and partially burned telephone poles were piled near the railroad tracks. As I explained during my investigation, tires, railroad ties, and treated wood cannot be open burned anywhere in Ohio. Brush, leaves, and tree limbs or tree trimmings from the fairgrounds also cannot be open burned for waste disposal purposes.

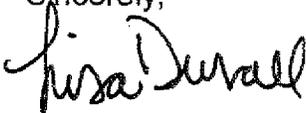
Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a maximum fine of up to \$25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials, legal action will be taken against the Pike County Fair Board.

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 3745-19-03, a plan and schedule for cleanup of the large 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. Bob Fout  
The Pike County Fair Board  
May 9, 2008  
Page 2

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

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

cc: Ken Dewey, DERR/SEDO

ATES |  
• Sender: P