OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

June 6, 2007

Re: Pike County
Open Burning
Complaint 20070207

Certified: 70063450000190545973

Mr. Jeff Heistead
14467 State Route 23 North
Waverly, Ohio 45690

Dear Mr. Heistead:

I am writing this letter in response to a complaint received by this office on May 14, 2007. The complaint alleges that tires, mattresses, and other solid wastes are being open burned on land that you lease at 1153 Howard Road, Waverly.

On May 25, 2007, during my investigation of this complaint, I was informed that Mr. McKnight owns this property. The trailer on this site is rented by Jim Litchfield. Evidence of the open burning of furniture, tires, mattresses, demolition wastes, trash, and other solid wastes was observed. There were also several tires on this property. I spoke to your wife, Alyssa Heistead, at your towing and salvage business on State Route 23 and left my card. I understand that you store automobiles, automobile parts, and overflow from your salvage yard on this property. As I explained to her, the open burning of tires, automobile parts, etc. is not permitted.

Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. Tires, furniture, plastics, shingles, automobile parts, etc., cannot be open burned in Ohio. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you allow the open burning of improper waste materials to continue on the property you lease, legal action may be taken against you.

I am requesting a written response from you, within 15 days of receipt of this letter, that includes a commitment from you to stop the 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 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.

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

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Pike County Health District, 229 Valleyview Dr., Waverly, Ohio 45690