OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

February 13, 2007

Re: Pike County
Open Burning
Complaint 20070022

Certified: 70060100000356202709

Mr. Kenny Howard
100 North Market St.
Waverly, Ohio 45690

Dear Mr. Howard:

I am writing this letter in response to a complaint received by this office on January 25, 2007. The complaint alleges that demolition wastes from several trailers are being open burned on your property at 14 Woodland Park Road, Waverly. A fire report from the Waverly Fire Department was received by this office on January 25 and states that waste materials from three mobile homes was being burned. The fire department put out the fire and contacted you.

On January 26, 2007, I investigated this complaint and spoke to Mr. Preston Pherson and Mr. James Reid who were demolishing trailers along Woodland Park Road. They told me that you had given them the trailers to scrap out. They had burned wood, insulation, and other demolition wastes at the site. I explained to them that they could not burn any of the demolition debris and they agreed not to burn again. I attempted to speak to you at your office and by phone, but could not contact you. Demolition wastes cannot be open burned in Ohio. As the property owner, you are responsible for any illegal burning that occurs on your property. The burn site is easily visible from your office. The demolition wastes must be disposed of in a licensed landfill.

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 OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action may be taken against you.

I am requesting a written response from you within 10 days of receipt of this letter that includes a commitment from you to stop allowing 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 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 this office at 740-380-5217.

Sincerely,

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Pike County Health District