



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korieski, Director

September 17, 2010

RE: HOLMES COUNTY
OPEN BURNING

CERTIFIED MAIL

Robert and Cheryl Ling
3756 TR 90
Killbuck, Ohio 44637

Dear Mr. and Mrs. Ling:

The open burning which was conducted at 3756 TR90, Killbuck, Ohio is in violation of Ohio's air pollution regulations and prompt action needs to be taken.

Cease Burning

Immediately cease all burning for waste disposal purposes and find an alternate means of disposal.

On September 2, 2010, this office received information from the Holmes County Health District stating that the open burning of insulation, linoleum and metal siding is occurring at your residence. Open burning for waste disposal purposes is strictly prohibited.

Therefore, you are hereby being notified that the open burning is a violation of OAC Rule 3745-19-04, "Open burning in unrestricted areas" that states, in part, "No person shall cause or allow illegal open burning."

Please be advised of OAC Rule 3745-19-06, "Open Burning Unilateral Order," which authorizes the Director to assess and collect administrative penalties of not more than two hundred-fifty dollars (**\$250.00**) per day for each separate violation of open burning. In addition, Section 3704.06, of the Ohio Revised Code, authorizes the Attorney General to seek penalties of up to twenty-five thousand dollars (\$25,000) for conviction of violating the Open Burning Regulations. Each day's violation, after a conviction, constitutes a separate offense and will be subject to the penalties as mentioned above.

Finally, be aware that this letter in no way waives the right of the Ohio EPA to pursue additional enforcement action. If further violations are reported to this office, we will have no alternative than to refer this matter to our legal staff in Columbus for appropriate action. We hope that voluntary compliance will be forthcoming and that this action will not be necessary.

If you have any questions, please contact me at (330) 963-1209.

Sincerely,

Frank Elchesen
District Representative
Division of Air Pollution Control

FE:bo

pc: Bob Princic, OEPA, NEDO, DAPC
Mr. Jeff Kaufman, Holmes County General Health District

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov