



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

July 22, 2010

RE: HOLMES COUNTY
OPEN BURNING

Mr. Mark Menez
Menez Excavating and Construction
5366 CR 349
Millersburg, OH 44654

Dear Mr. Menez:

The open burning which is occurring at Menez Excavating and Construction located at 5366 CR 349 Millersburg, 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 June 10, 2010, this office was informed by the Holmes County Health Department that illegal open burning was occurring at Menez Excavating and Construction.

On June 11, 2010, this office received an "incident report" from the Holmes Fire District #1 stating that the illegal open burning had been extinguished on June 10, 2010. The burning consisted of residential building construction debris and was burning at the time of my arrival on June 11, 2010. During this time, no company personnel were present and the office was locked. Open burning for waste disposal purposes is strictly prohibited.

Therefore, you are hereby being notified that the open burning which took place on the property of Menez Excavating and Construction was in 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 one thousand dollars (**\$1,000.00**) 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.

MR. MARK MENEZ
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Demolition and recovery efforts also may result in exposures to asbestos. Any building may contain asbestos. Businesses and public buildings are subject to demolition notification requirements. Residential dwellings may also be subject to demolition notification requirements and applicable laws. It is important for businesses and public entities to comply with regulatory requirements related to demolition of buildings and the transport and disposal of asbestos-containing material. A fact sheet explaining demolition notification and asbestos requirements can be found at www.epa.ohio.gov/portals/41/sb/publications/AsbestosNotification.pdf.

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: Jeff Kaufman, Holmes General Health District

ec: Bob Princic, Ohio EPA, NEDO, DAPC
Ed Fasko, Ohio EPA, NEDO, DAPC
Tim Fischer, Ohio EPA, NEDO, DAPC