



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

December 22, 2008

CERTIFIED MAIL

Mr. Paul Beachy  
Berlin Auction House  
4715 Township Road 366  
Millersburg, OH 44654

**RE: CERTIFIED WARNING FOR OPEN BURNING OF SOLID WASTE**

Dear Mr. Beachy:

Berlin Auction House is in violation of Ohio's air pollution regulations and needs to take prompt action.

**Cease Burning:** Immediately cease all burning for waste disposal purposes and inform this office of the alternative disposal method Berlin Auction House has chosen by January 15, 2008.

On Tuesday, December 16, Dean Stoll of this office observed illegal burning at your facility. During your conversation with Mr. Stoll, you stated that both Berlin Auction House and the owner of the property, Mr. John Yoder of JEDER, Inc., burn solid waste on the property. A copy of the photographs of the illegal burning are enclosed.

Please be advised that the burning of waste at Berlin Auction House is a violation of Ohio Administrative Code (OAC) Rule 3745-19-03, which prohibits open burning for waste disposal purposes. Further, Section 3704.99, of the Ohio Revised Code, provides a penalty of up to twenty-five thousand dollars (\$25,000) for 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.

I trust that you will familiarize yourself with the Open Burning Standards with the enclosed fact sheet and make appropriate arrangements to dispose of, or recycle the waste generated by Berlin Auction House. A second violation will result in the referral of this matter to the Ohio EPA, Central Office for legal action.

MR. PAUL BEACHY  
DECEMBER 22, 2008  
PAGE 2

**Compliance Assistance options.** A copy of the regulations are available on the Ohio EPA Web site at <http://www.epa.state.oh.us/dapc/>. You may contact Ms. Adrienne LaFavre of our Office of Compliance Assistance and Pollution Prevention (OCAPP) at (330) 963-1250 for additional assistance. Enclosed is a pamphlet explaining the free and confidential services available by OCAPP to small businesses.

Please inform me in writing of the disposal option Berlin Auction House has chosen by January 15, 2008. If you have any questions, feel free to contact me at (330) 963-1298.

Sincerely,



Amysue O'Reilly  
Environmental Specialist  
Division of Air Pollution Control

AO:bo

enclosures

ec: Dean Stoll, Ohio EPA, NEDO, DSW  
Tracy Gu, Ohio EPA, NEDO, DAPC  
Ed Fasko, Ohio EPA, NEDO, DAPC

