



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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

July 22, 2010

RE: HOLMES COUNTY  
OPEN BURNING

Mr. Daniel Reising  
6822 TR 451  
Loudonville, OH 44842

and

Mr. Marion Frank  
6948 TR 451  
Loudonville, OH 44842

Dear Mr. Reising and Mr. Frank:

The open burning which was conducted at 6822 TR 451, Loudonville, 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 July 8, 2010, this office received a complaint stating that the open burning of tires is occurring at your residence. Photographs of the burning have also been received. Open burning for waste disposal purposes is strictly prohibited.

Therefore, you are hereby being notified that the open burning of tires 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." Mr. Frank, I spoke to you on 7-20-2010 and informed you that the property owner is also subject to the penalties below.

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.

MR. DANIEL REISING  
MR. MARION FRANK  
JULY 22, 2010  
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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,

A handwritten signature in cursive script that reads "Frank Elchesen".

Frank Elchesen  
District Representative  
Division of Air Pollution Control

FE:bo