



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-6501 FAX: (740) 385-6490
www.epa.state.oh.us

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

July 11, 2008

Re: Muskingum County
Open Burning
Complaint 30000370

Certified: 70063450000190562833

Mr. Brian Frank
Ohio Earth Solutions
1980 Sand Ridge Road
Zanesville, Ohio 43701-9154

Dear Mr. Frank:

I am writing this letter in response to a complaint received by this office on July 2, 2008. The complaint alleges that you are open burning wastes from your business at 1980 Sand Ridge Road, Zanesville.

On July 3, 2008, I investigated this complaint. I left my business card and a pamphlet that explains Ohio's open burning rules at your office. Evidence of the open burning of tires and plastic-coated copper wire was observed in the barnyard.

Open burning of improper waste materials at the above location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. Tires, plastics, plastic-coated copper wire, furniture, and any wastes that are generated from a business cannot be open burned in Ohio. All open burning in violation of the requirements specified in 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 14 days of receipt of this letter, that includes a commitment from you to stop 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 Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

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If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive, flowing style.

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO