



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

May 17, 2010

Re: Muskingum County
Open Burning
Complaint 30001364

Certified: 70063450000190558935

Mr. Gary Hays
Gary's Affordable Auto Repair
8935 Raiders Road
Frazeyburg, Ohio 43822-9318

Dear Mr. Hays:

I am writing this letter in response to a complaint received by this office on April 22, 2010. The complaint alleges that tires, roofing shingles and other solid wastes were burned at your business, Gary's Affordable Auto Repair, Frazeyburg.

On April 29, 2010, I investigated this complaint. You showed me an area where wastes had burned and told me that the previous tenant had left a lot of tires and wastes behind. You were cleaning up the property. As I explained at that time, a business cannot open burn for waste disposal purposes. The materials that are generated from your business or that were left behind by a previous tenant cannot be open burned. Evidence of the open burning of wood, tires and other solid wastes was observed.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. 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 will 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 the 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm