



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

May 27, 2011

Re: Ross County  
Open Burning  
Complaint

Certified: 70101060000178962389

Mr. Steve Dailey  
629 Allan Ave.  
Chillicothe, Ohio 45601-1201

Dear Mr. Dailey:

I am writing this letter in response to a complaint received by this office on April 15, 2011. The complaint alleges that you burned a mobile home on State Route 50, west of Chillicothe. The property is owned by Mr. McKell.

On April 21, 2011, I investigated this complaint. Evidence of the open burning of a house trailer, wood, demolition wastes, carpet, insulation and other solid waste materials was observed.

On April 25, 2011, I spoke to Mr. McKell by phone. He had sold you the trailer for the scrap metal and you were to dispose of the remaining materials by hauling them out. He did not know that you planned to burn the trailer.

I also spoke to you by phone on April 25, 2011 in regard to the burning of the trailer. You told me that you had called the local sheriff's office to report that you were going to burn the trailer. The dispatcher advised you to burn after 6 p.m. As I explained to you at that time, demolition wastes including wood, carpet, insulation, homes, trailers, furniture, plastics, etc. cannot be burned for waste disposal purposes in Ohio.

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. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you open burn improper waste materials again anywhere in Ohio, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup 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.

Mr. Steve Dailey  
May 27, 2011  
Page 2

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure

Cc: The Ross County Health District  
Ms. Fry, The Ross County Sheriff's Office