



**Environmental
Protection Agency**

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

July 27, 2012

Re: Pike County
Open Burning
Complaint 30002459

Certified: 70102780000197044572

Mr. Kenny Howard
Howard Companies, Inc.
100 N. Market Street
Waverly, Ohio 45690

Dear Mr. Howard:

I am writing this letter in response to a complaint received by this office on July 17, 2012. The complaint alleges that a mobile home trailer is being burned at 145 Fuller Road, Waverly. A search on the Pike County Auditor site lists Howard Companies, Inc. as the owner of this property.

On July 23, 2012, I investigated this complaint. Evidence of the open burning of wood, plastics, demolition and remodeling wastes and other solid waste materials was observed. There were three burn piles on the property and one pile was burning during my investigation. There was no one present at the property. I left my business card and a pamphlet that explains Ohio's open burning rules in the front door of the trailer.

On July 26, 2012, I spoke to your secretary at Howard Companies, Inc. and explained the situation. She relayed the message to you while I was on the phone. You stated that you were unaware that the men who are remodeling the trailer had been burning wastes on the property.

Plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is hauled to a property from another location cannot be open burned 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 fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of improper waste materials continues at this location or if wastes from your properties are hauled to any other property in Ohio and burned, legal action will be taken against you.

Please provide a written response, within 14 days of receipt of this letter, which includes a commitment from you to stop all open burning in violation of OAC rule 3745-19-04 on your properties, a plan and schedule for cleanup of the burn area and any remaining solid waste materials, and a copy of the landfill receipt as proof of proper disposal.

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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 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/cs

Enclosure

cc: Pike County Health District