



**Environmental
Protection Agency**

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

October 20, 2011

Re: Athens County
Open Burning
Complaint 30002084

Certified: 70101060000178963324

Ms. Wanda Lowry
Saving Money Construction
941 Robinette Ridge Road
New Marshfield, Ohio 45766-9774

Dear Ms. Lowry:

I am writing this letter in response to a complaint received by this office on October 4, 2011. The complaint alleges that construction and demolition waste materials are being burned by your son, Adam Barns, on property that you own on Thompson Ridge Road, Athens.

On October 13, 2011, I investigated this complaint and spoke to your daughter-in-law. Evidence of the open burning of wood, plywood, plastic-coated copper wire, paint cans and other solid waste materials was observed near the creek at the corner of Thompson Ridge Road and Mush Run Road.

I spoke to you on October 14, 2011 by phone and explained that any type of waste that is generated by your business cannot be open burned for disposal purposes. Construction and demolition waste materials or any type of waste material (including tree wastes, tree trimmings, logs, etc.) that is hauled to this property cannot be open burned in Ohio.

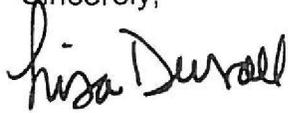
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately

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.

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

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L" and "D".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure