



**Environmental  
Protection Agency**

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

October 12, 2011

Re: Ross County  
Open Burning  
Complaint 30002062

Certified: 70101060000178963263

Mr. James Delong  
Delong Realty  
280 Yoctangee Parkway  
Chillicothe, Ohio 45601-1655

Dear Mr. Delong:

I am writing this letter in response to a complaint received by this office on September 21, 2011. The complaint alleges that demolition wastes are being burned at 3969 Liberty Hill Road, Chillicothe.

On September 28, 2011, I investigated this complaint. Evidence of the open burning of wood, tires, shingles, demolition waste materials and other solid waste materials was observed. The property appeared to be vacant. A search of the Ross County Auditor's records indicated that your company is the owner of this property.

On September 29, 2011, I spoke to you by phone. You told me that you had recently reacquired the property from Mr. McClusky and you suspect that he set the fire. You were out on the property that day and you indicated that you would be putting the fire out and cleaning up the area.

Plastics, demolition or construction waste materials, garbage, furniture 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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately.

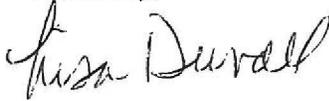
I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop any open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt 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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A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM 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,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure

Cc: The Huntington Twp. Fire Dept., 6038 Blain Highway, Chillicothe, Ohio 45601