



**Environmental
Protection Agency**

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

March 26, 2012

Re: Athens County
Open Burning
Complaint 30002262

Mr. Dave Stover
3255 Ladd Ridge Road
Athens, Ohio 45701

Dear Mr. Stover:

I am writing this letter in response to a complaint received by this office on March 16, 2012. The complaint alleges that demolition wastes from T & D Feeds in Albany are being hauled to Llewellyn Road, New Marshfield and burned.

On March 16, 2012, I investigated this complaint. A large pile of wood debris and wood timbers were being burned at the time of my investigation. Two more truckloads of demolition waste materials were on site waiting to be dumped. I spoke to Mike Niggemeyer who was on site at the time of my investigation. I then traveled to Albany and the demolition site, where I spoke to you and Mr. Dettwiller. You own the property where the demolition waste materials were being burned. Mr. Dettwiller, of Dettwiller Lumber, owns T&D Feeds. During our discussion, I explained that demolition waste materials cannot be open burned in Ohio. Any type of waste material that is hauled from another property cannot be open burned for disposal purposes. This includes wood, tree trimmings, paper, leaves, etc.

Open burning of demolition 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 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 you continue to open burn improper waste materials at this location, 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 waste materials, 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.

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.

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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, appearing to read "Lisa Duvall for". The signature is written in a cursive style with a large initial "L" and a small "for" at the end.

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Enclosure

Cc: Bruce Weinberg-DAPC

Cc: The Athens County Health District, 278 W. Union St., Athens, Ohio 45701