



**Environmental
Protection Agency**

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

March 15, 2012

Re: Guernsey County
Open Burning
Complaint 30002232

Mr. Jacob Hershberger
23130 Caldwell Road
Quaker City, Ohio 43773

Dear Mr. Hershberger:

I am writing this letter in response to a complaint received by this office on February 29, 2012. The complaint alleges that wood waste materials are being burned at your lumber mill.

On March 7, 2012, I investigated this complaint and spoke to Joe Hershberger. He told me that you now own the mill. Scrap wood and bark were being open burned near the road at the time of my investigation.

On March 8, 2012, I again inspected the burn site. The fire was still smoldering, but I could see that an attempt had been made to put the fire out.

As you are aware, a business cannot open burn any type of waste material that is generated by the business. This includes bark, wood scrap, sawdust, etc. that are generated at your lumber mill. In June of 2007, you were contacted in regard to a large fire at this mill. Wood waste materials had been dumped over the hill on the property and open burned.

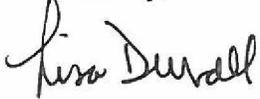
Open burning of wood waste materials is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 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.

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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".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Enclosure

Cc: Bruce Weinberg-DAPC