



**Environmental
Protection Agency**

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

March 6, 2012

Re: Gallia County
Open Burning
Complaint 30002220

Mr. Tom Kearns
Director of Maintenance
University of Rio Grande
218 N. College Ave.
Rio Grande, Ohio 45674

Dear Mr. Kearns:

I am writing this letter in response to a complaint received by this office on February 14, 2012. The complaint alleges that waste materials and a concession stand were burned on the University's property.

On February 21, 2012, I investigated this complaint and met with you at the burn site. Evidence of the open burning of logs, tree trimmings, furniture, wood, a desk, and other solid waste materials was observed. A large pile of unburned tree trimmings, furniture, and garbage bags were piled on top of the burn site. You told me that the wood from a concession stand and tree and shrub trimmings were burned at this site, but that the furniture and garbage bags that are there now are not from the University. As I explained at that time, the University cannot open burn any type of waste material for disposal purposes and, unfortunately, the furniture and garbage bags that are currently on the burn pile must be properly disposed of by the University since the waste materials are now on the University's property.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 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 3745-19-03 must stop immediately. If the open burning of improper waste materials continues at this location, legal action may be taken against Rio Grande University.

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 3745-19-03, 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