Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 1, 2012

Re: Monroe County
Open Burning
Complaint 30002191

Certified: 70101060000178964222

Mr. Theodore Hunt
P.O. Box 30
Sardis, Ohio 43956

Dear Mr. Hunt:

I am writing this letter in response to a complaint received by this office on January 11, 2012. The complaint alleges that a house that you own on Jill Street in Sardis was torn down and that the demolition waste materials from the house were transported to property in Duffy, Ohio and burned.

On January 19, 2012, I investigated this complaint. I found the site in Duffy where the demolition waste materials had been hauled to and dumped. This property is owned by Mr. John Bradfield. Evidence of the open burning of demolition waste materials, a tire and other solid waste materials was observed. There was also a large pile that consisted of demolition waste materials, a mattress, newspapers, etc. that had not yet been burned.

There was no one present at the demolition site on Jill Street at the time of my investigation. Demolition waste materials were being open burned in the basement of the house on that site during my investigation. At that time, I contacted you by phone and advised you that the open burning of demolition waste materials was not permitted in Ohio and to put the fire out. On January 20, 2012, you called me at this office to report that you had put the fire out as I requested.

Demolition or construction waste materials 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 maximum fine of up to $25,000 per day per violation. I am enclosing a pamphlet that explains 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, legal action may be taken against you.

40 CFR Part 61.145(a) and OAC rule 3745-20-02(A), state that all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. The inspection for asbestos must be conducted by a certified asbestos hazard evaluation specialist.

Additionally, 40 CFR Part 61.150(b)(3)(i) and OAC rule 3745-20-03(A)(3)(a) state that each owner or operator shall provide notification of demolition or renovation at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work,

or any other activities including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule. Please be advised that all future demolitions are required to follow the provisions of the above-stated rules.

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 Ohio EPA's Division of Materials 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,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Enclosures

Cc: Bruce Weinberg-DAPC
Steve Lowry-DAPC
Taylor Carpenter-DAPC
DMWM