

**MAHONING-TRUMBULL  
AIR POLLUTION CONTROL AGENCY**

OAKHILL RENAISSANCE PLACE  
2nd Floor - Room 25  
345 Oak Hill Avenue  
Youngstown, Ohio 44502-1454  
Phone (330) 743-3333 ext 282  
Fax (330) 744-1928

March 16, 2007

James Matash  
M & M, Inc.  
391 Centennial Drive  
Vienna, OH 44473

Certified No: 7002 2410 0004 2976 5805

Dear Mr. Matash:

This letter concerns an open burning incident that took place on March 15, 2007, at your demolition site located at the former Hartford Elementary School, State Route 7 & 305, Hartford, Trumbull County. On March 15, I received a complaint that debris from the demolition operation conducted by your Company was being open burned.

Upon arriving at 1155 hours, I observed and photographed a pile of debris approximately 3' by 3' burning at the west end of the site near a 55 gallon. I spoke with Mr. Gary Schultz at the site and advised him that Ohio EPA regulations allow open burning for warmth of outdoor workers, but these types of fires must be contained in a clean 55 gallon drum or other suitable container and that only clean, seasoned firewood can be used for fuel.

Combustible demolition debris generated from the demolition of Hartford Elementary must not be used as fuel in fires for the warmth of outdoor workers and these types of fires can not be used for waste disposal or waste reclamation activities.

At the present time, apparent violations include failure to conduct open burning in an unrestricted area in compliance with Ohio Administrative Code 3745-19-04 (B)(2)(a) and (b). Any further violations of these regulations will force us to initiate legal action against you.

Ohio Administrative Code 3745-19-06(A) provides that the Director of Ohio EPA may assess and collect, through unilateral orders, civil penalties of not more than one thousand dollars per day for each separate violation of the open burning rules that occurs on industrial, commercial, institutional, or municipal property.

Subsequent to my inspection, I have been advised that the Hartford Police and Fire Chief have also responded to other complaints about illegal open burning at this site both prior to and after my inspection on March 15.

*EQUAL OPPORTUNITY EMPLOYER / EQUAL PROVIDER OF SERVICES*

REPRESENTING THE OHIO ENVIRONMENTAL PROTECTION AGENCY IN MAHONING AND TRUMBULL COUNTIES

James Matash  
M & M, Inc.  
March 16, 2007

Page 2

Be advised that this Warning Letter does not constitute a waiver of MTAPCA's ability to pursue further enforcement action through Ohio EPA concerning this or other violations or to seek civil penalties as provided in Ohio Revised Code Chapter 3704.

A copy of Ohio's Open Burning Standards are enclosed for your review. If you have any questions regarding the regulations or this letter, please contact me.

Yours very truly,



Larry Himes  
Administrator

cc: Chief Anspach, Hartford Township  
K. Frances, TCHD  
T. Kalman, OEPA  
L. Holscher, USEPA, Region V