

February 22, 2010

B&B Logging
Marvin Detweiler
15700 Chipmunk Lane
Middleton, Ohio 44602

Re: Notice of Violation
B&B Logging

Certified Mail: 7009 1680 0001 7329 2940

Mr. Detweiler,

On February 16, 2010 the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint concerning open burning of land clearing waste located at Green Haven Cemetery, 3495 S. Canfield-Niles Road, Canfield, Ohio 44406.

Please be advised that permission to burn **land clearing** waste in an unrestricted area requires a notification (Open Burning Request Form faxed on February 17, 2010) to be submitted to this office and will require a 10 working day notification period. Please see the attached Rule 3745-19-04(C)(4) for land clearing waste requirements. Specifically, Section 3745-19-04(C)(4)(d) states that an air curtain device or other device as effective be used to curtail the release of air contaminants.

Please be advised that that you are not permitted to open burn in the State of Ohio for waste disposal purposes. Open burning in an unrestricted area for waste disposal purposes is a violation of Ohio Administrative Code 3745-19-03. Therefore, all open burning being conducted in violation of the above regulations must cease immediately.

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.

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

Enclosed is a copy of Ohio's Open Burning Standards for your review. If you have any questions regarding this letter or the regulations, please contact me at (330) 743-3333 extension 283.

Sincerely,

Tara Cioffi, RS
Sanitarian

Cc:

Lisa Holscher, USEPA
Tom Kalman, OEPA
Ronnie Maggianetti, Green Haven Cemetery