



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 23, 2007

RE: Washington County
Marietta Industrial Enterprises
Notice of Violation
Open Burning

Certified: 70063450000190545874

Scott Elliot
Marietta Industrial Enterprises
17943 State Route 7
Marietta, Ohio 45750

Dear Mr. Elliot:

On May 15, 2007, I conducted a site visit of the Marietta Industrial Enterprise (M.I.E.) facility in Marietta, Ohio. During the site visit, it was determined that the facility was burning pallets on the property.

The open burning of pallets in this manner is not permitted in Ohio. Open burning of this type 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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. As the owner of the property, you are responsible for any illegal burning that occurs on your property. If you continue to open burn improper waste materials, legal action will be taken against you.

Open burning of this type is prohibited due to the adverse health impacts to people, especially children and the elderly, who may have breathing problems such as asthma, allergies or emphysema. Open burning adversely impacts the ambient air quality by emitting air pollution at ground level where people are immediately exposed to the pollutants.

Within 15 days of receipt of this letter, M.I.E. shall submit a plan and schedule to return the facility to compliance. The plan should include a time line for completing corrective actions and the corrective actions taken. The plan should include the following:

- clean up of the burn area and any remaining solid wastes, (please provide to the agency a copy of the landfill receipt as proof of proper disposal);

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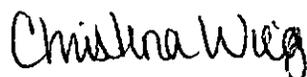
- training for M.I.E. employees to educate them on the open burning regulations; and
- posting the enclosed opening burning regulations and informative pamphlet at the facility in a location where it will easily be viewed by employees.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the 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 the Ohio EPA at a later date.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by the local health department, and further investigation may be initiated if it appears rule violations within in their jurisdiction have occurred.

Please contact me at (740) 380-5223 if you have any questions.

Sincerely,



Christina Wieg
Environmental Specialist II
Division of Air Pollution Control
Southeast District Office

CW/mlm

Enclosures:
Open Burning Rules
Open Burning Pamphlet

cc: The Washington County Health District
The Marietta Fire Department
Bruce Weinberg, DAPC/SEDO
Tom Kalmann, DAPC/CO
Lisa Holscher, USEPA Region V