



State of Ohio Environmental Protection Agency

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December 5, 2008

Mr. Tony Palange
Inland Waters of Ohio
2195 Drydock Avenue
Cleveland, OH 44113

Re: Incident Number: 0811-45-4299
Andrew Fulmer
Licking County

Dear Sir:

Pursuant to Ohio Administrative Code Section 3745-19-03, this letter is to confirm the verbal authorization to *in situ* open burn oil covered vegetation and debris as part of the response to an oil spill that occurred on or before November 11, 2008 in Eden Township, Licking County. The open burning authorization is limited to those areas specifically designated by the Ohio EPA On-scene Coordinator where excavation or other removal action would cause greater environmental harm or where the oil is inaccessible. The On-scene Coordinator for this incident is Michael Dalton.

The open burning shall not be used for disposal of accumulated debris or vegetation that can be physically removed from the spill site. Those materials must be disposed at a licensed facility in accordance with the solid waste rules of Ohio EPA. A separate application will be required to open burn oil saturated debris or sorbent materials that cannot be removed from the site due to restricted access.

The open burning must also conform to the guidelines attached to this letter. The authorization to open burn is limited to the specific incident identified in this letter. The open burning shall take place between December 8 and 12, 2008. If the time period granted in this authorization is insufficient, then an extension may be allowed in writing. The Ohio EPA On-Scene Coordinator shall be notified in advance of each day the burning will occur.

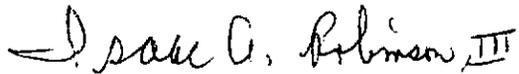
Failure to comply with the attached guidelines or the limits specified in this authorization may be a violation of Ohio Revised Code Section 3704.03 (E) and is prohibited under Section 3704.05 (A). Penalties for such violation are specified in Section 3704.99 (A) and may include imprisonment for up to one year and/or a fine of up to twenty-five thousand dollars. Unauthorized open burning of sorbent materials or other debris may be a violation of Ohio Revised Code Section 3734.03 and is prohibited under Section 3734.11 (A). Penalties for such a violation are specified in Section 3734.99 (A) and include imprisonment for up to five years and/or a fine of up to twenty-five thousand dollars.

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

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Any questions regarding the designated area(s) to be open burned or the guidelines should be directed to the Ohio EPA On-scene Coordinator at 614-361-9030. Questions regarding the applicable rule(s) should be directed to Dave Burroughs, Division of Air Pollution Control, at 614-728-3808.

Sincerely,



Isaac A. Robinson III
Chief
Central District Office

c: Dave Burroughs, DAPC/CDO
Utica Volunteer Fire Department
Jon Gulch, U. S. EPA Region V



Emergency Response Guidelines for Permitting Open Burning

Authority: Ohio Administrative Code 3745-19-03 (D) & 04 (C)

"Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA provided that any conditions specified in the permission are followed:

- (1). Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;
- (3). In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA;

Emergency Response Conditions:

1. After consulting with the district DERR and DAPC Managers, and with approval from the District Chief, permission may be given by the OEPA On-scene Coordinator (OSC). He will notify the OEPA Emergency Response Duty Officer.
2. Responsible party or contractor(s) working for the responsible party shall accept all responsibility for the burning.
3. If burning is not permitted, the spilled material will in all likelihood escape and cause more damage to wildlife and/or human use areas or if the spilled material poses an immediate threat to a public water supply source or a threatened or endangered species or critical habitat.
4. The spilled material is contained in an inaccessible area where equipment cannot be brought in for effective removal or where physical removal would cause excessive damage. To the extent possible, all free liquid shall be removed and burning limited to shorelines, debris, and coated vegetation.
5. No air pollution air stagnation advisories, alerts, or warnings are in effect for the area (3745-19-02 (A)) and the spilled material can be burnt without producing toxic byproducts that could threaten downwind receptors. The burning shall be conducted by applying a flame from a propane burner to evaporate the spilled material and consume the vapor in the flame.
6. The fire will not damage surrounding trees, etc., to a greater extent and there are no buildings or other property that could be damaged.
7. Notify the local fire department so that they may standby if necessary; the sheriff or local police; and the local air pollution control authority if one exists.
8. The fire shall be of a controllable size. Several small fire may be necessary rather than one large fire. Portable extinguishers or other control methods shall be immediately available.
9. Burning shall not be permitted if the smoke will cause traffic problems on nearby roads.
10. If the burning requested is to take place on property not owned by the responsible party, prior permission must be sought from the owner.
- 11; Upon completion of the burning the responsible party or their contractor will notify OEPA.
12. The OEPA On-scene Coordinator will send a letter confirming the emergency permission allowing the open burning. This letter will contain the following information: (a) purpose of the burning; (b) nature and quantity of the materials to be burned; (c) the date(s) when the burning will take place; (d) location of the site; (e) subsection of 3745-19 which authorizes the burning.