



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

March 27, 2013

Re: Athens County  
Open Burning  
Complaint 30002728

**Certified: 70122920000138146017**

Mr. Rojer Moody  
7456 State Route 188  
Circleville, Ohio 45732

Dear Mr. Moody:

I am writing this letter in response to a complaint received by this office March 8, 2013. The complaint alleges that a man named Sean allows people to dump trash on the property at 19082 Green Run Road, Glouster, for a fee. The wastes are then burned. Records from the Athens County Auditor indicate that you are the owner of this property.

On March 14 and March 22, 2013, I investigated this complaint. There was no one at the above mentioned address at the time of my investigation. During my investigation I confirmed that a shed or outbuilding had been burned next to the house. In addition, across the road from the house I observed three piles of demolition waste, furniture, wood, plastics, a garage door and other solid waste materials. When I returned on March 22, 2013, two of the piles had been burned and one large pile with tires, demolition wastes, plastics, etc. remained. Evidence of previous burning was observed under this pile. Also on March 22, 2013, I attempted to contact you by telephone and left a phone message at your home in Circleville. As of this date you have not returned my call as requested.

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 copy of this rule for you. Plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of improper waste materials at this location continues legal action will be taken against you.

Please provide a written response, 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 Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil

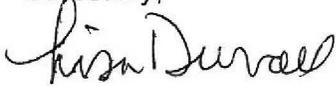
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penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department 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,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Enclosure

cc: The Athens County Health District