



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

March 27, 2013

Re: Washington County
Open Burning
Complaint 30002712

Mr. John Binegar
Oops a Daisy Florist
38780 State Route 7
Newport, Ohio 45768

Dear Mr. Binegar:

I am writing this letter in response to a complaint received by this office March 1, 2013. The complaint alleges that you burn wastes from your business behind the building on State Route 7, Newport.

On March 20, 2013, I investigated this complaint and spoke to you. Evidence of the open burning of trash, plastics, paper and other solid waste materials was observed. As I explained at that time, a business cannot burn any type of waste for disposal purposes. Plastics cannot be burned anywhere in Ohio.

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 fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action may 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 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.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Enclosure