

**Environmental
Protection Agency**

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

March 15, 2011

Re: Monroe County
Open Burning
Complaint 30001722

Certified: 70101060000178961955

Mr. John Huffman, Jr.
50091 Grizzle Ridge Rd.
Jerusalem, Ohio 43747-9771

Dear Mr. Huffman:

I am writing this letter in response to a complaint received by this office on January 6, 2010. The complaint alleges that you haul trash and other materials to your family's farm on Grizzle Ridge Road to be burned.

On January 19, 2011, I spoke to Deputy Kress of the Monroe County Sheriff's Office. He told me that he would contact you and inspect an area on the rear of the farm property where materials may have been dumped and/or burned. During a later conversation with Deputy Kress, he told me that he was not able to inspect the site due to budget cuts.

On January 19, 2011, I investigated this complaint. You were not at home. I spoke to your brother Joe and gave him my business card. On March 7, 2011, I met with you at your home. You told me that you had remodeled several rooms in your home and had burned some wood paneling and two by fours. Evidence of the open burning of wood and pine tree trimmings was observed in a ravine to the right of your garage/outbuilding. You had also dumped some tiles next to the burn site. As I explained at that time, demolition wastes, remodeling wastes, tires, plastics, furniture or anything that is hauled in from another property cannot be open burned in Ohio. If you clean up properties, houses, etc. for others, you cannot haul these wastes to your property and burn them. You may burn the pine tree trimmings that were from trees located on the farm.

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 gave you a pamphlet that explains this rule when I met with you at your home. 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, legal action will be taken against you.

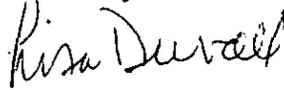
Mr. John Huffman, Jr.
March 15, 2011
Page 2

I am requesting a written response from you, 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 wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by the 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.

A copy of this letter is being forwarded to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM 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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: DSIWM-SEDO