



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

December 13, 2010

RE: Washington County  
Offenberger Trucking  
Notice of Violation  
Open Burning

**Certified: 70101060000178960590**

Kevin Offenberger  
Offenberger Trucking  
756 Elk Run Road  
Beverly, Ohio 45715-5062

Dear Mr. Offenberger:

On November 30, 2010, this office received an anonymous complaint alleging that tires were being burned on your property. On December 1, 2010, Christina Wieg and I investigated this complaint. When we arrived at your property, we spoke with Mr. Chris Connell who identified himself as an employee of your company. We found a smoldering pile of refuse near the back clearing of your property and adjacent to your neighbor's property. The pile included the remains of tires, furniture, and bedsprings. (See included pictures.)

The open burning of garbage, furniture, tires, materials which contain rubber, grease, asphalt, or liquid petroleum products is not permitted anywhere in Ohio. Open burning 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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. A copy of this rule is enclosed for your review. As the owner of the property, you are responsible for any illegal burning that occurs on your property. If you continue to open burn or allow the open burning of improper waste materials to occur at this location, 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.

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I am requesting a written response from you, within 14 days of receipt of this letter, that 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 (including the unburned tires remaining on your property), 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.

Please contact me at [michael.carper@epa.state.oh.us](mailto:michael.carper@epa.state.oh.us) or (740) 380-5299 if you have any questions regarding this matter.

Sincerely,



Michael Carper  
Environmental Specialist II  
Division of Air Pollution Control  
Southeast District Office

MC/mlm

Enclosures

Cc: Steve Rine, Manager, DSIWM/SEDO  
Christina Wieg, DAPC/SEDO  
Sarah Harter, Supervisor, DAPC/SEDO  
Bruce Weinberg, DAPC/SEDO