



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

October 20, 2010

**Re: Washington County
Open Burning
Complaint 30001623**

Certified: 70073020000178848883

Mr. Larry Queen
1410 Hocking Road
Belpre, Ohio 45714

Dear Mr. Queen:

I am writing this letter in response to a complaint received by this office on October 4, 2010. The complaint alleges that you burned construction waste materials on Hocking Road, in Belpre.

On October 6, 2010, I investigated this complaint. Evidence of the open burning of wood, tree stumps, branches, cardboard, siding, and other solid waste materials was observed. I attempted to speak to you, but you were not on the property at the time of my investigation. I also left a voice mail on your phone, but you did not return my call.

Waste materials that are generated on different property cannot be hauled to another residential or commercial property to be open burned. In addition, a business cannot open burn any type of waste material for disposal purposes. Plastics, vinyl, demolition or construction debris cannot be open 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 maximum fine of up to \$25,000 per day per violation. 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, legal action will be taken against you.

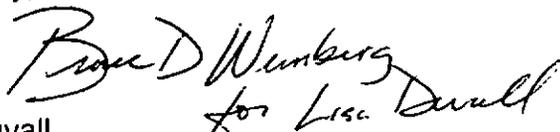
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as 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.

Mr. Larry Queen
October 20, 2010
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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. I am also contacting the owner/manager of this property, The People's Bank of Marietta, to inform them of their legal responsibility for the activities occurring on property under their control.

Please contact me at (740) 380-5217 or 1-800-686-7330 so that we can discuss this matter.

Sincerely,


for Lisa Duvall
Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

Enclosure

cc: Washington County Health District
The Little Hocking Fire Department
The Belpre Volunteer Fire Department



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October 20, 2010

**Re: Washington County
Open Burning
Complaint 30001623**

Certified: 70073020000178848876

Ms. Trina Cummings
The People's Bank of Marietta
138 Putnam Street
P.O. Box 738
Marietta, Ohio 45750

Dear Ms. Cummings:

I am writing this letter in response to a complaint received by this office on October 4, 2010. The complaint alleges that Mr. Larry Queen burned construction waste materials on Hocking Road, in Belpre. This property is in a trust that is managed by The People's Bank of Marietta.

On October 6, 2010, I investigated this complaint. Evidence of the open burning of wood, tree stumps, branches, cardboard, siding, and other solid waste materials was observed. I attempted to speak to Mr. Queen, but he was not on the property at the time of my investigation. I also left a voice mail for Mr. Queen on his phone, but he did not return my call.

Waste materials that are generated on different property cannot be hauled to another residential or commercial property to be open burned. In addition, a business cannot open burn any type of waste material for disposal purposes. Plastics, vinyl, demolition or construction debris and garbage cannot be open 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 maximum fine of up to \$25,000 per day per violation.

We are providing this notification to you because of the legal responsibility that The People's Bank of Marietta has as the manager of the property where the open burning occurred.

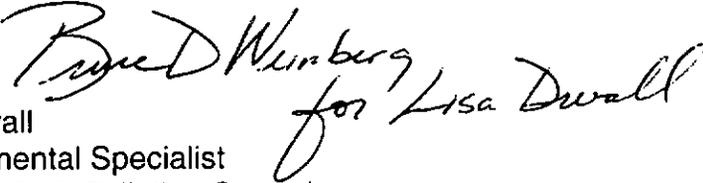
We have requested a written commitment from Mr. Queen to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal.

Please note that 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.

We recognize that The People's Bank of Marietta may have a limited ability to police every property under their management. However, we wanted you to be aware that if Mr. Queen or any other party, conducts illegal open burning on a property under your management, you will initially be included as a party to any enforcement action that may be taken to resolve the illegal activity. Any assistance The People's Bank of Marietta can provide to help prevent this type of illegal activity from occurring on their managed properties would be greatly appreciated.

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

Sincerely,


for Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh