



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 12, 2010

Re: Washington County
Open Burning
Complaint 30001622

Certified: 70101060000178960385

Mr. Mike Abbott
Hickory Grove Store
5525 State Route 339
Vincent, Ohio 45784-5612

Dear Mr. Abbott:

I am writing this letter in response to a complaint received by this office on October 4, 2010. The complaint alleges that trash, garbage and plastics from the Hickory Grove Store are being burned next to the store.

On October 6, 2010, I investigated this complaint. Evidence of the open burning of tin foil, garbage, paper and plastic was observed. I spoke to the manager of the store. At that time, I explained that a business cannot burn any type of waste for disposal purposes that is generated in the course of doing business. I left my business card and a pamphlet for you that explains Ohio's open burning rules.

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 the open burning continues, legal action will be taken against the owner(s) of the Hickory Grove Store.

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. Mike Abbott
Hickory Grove Store
October 12, 2010
Page 2

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

Enclosure