



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

May 28, 2010

Re: Washington County
Open Burning
Complaint 30001392

Certified: 70063450000190558997

Mr. Wayne Miller
17982 State Route 550
Marietta, Ohio 45750-8308

Dear Mr. Miller:

I am writing this letter in response to a complaint received by this office on May 14, 2010. The complaint alleges that you are burning demolition wastes from trailers that you have hauled to 2460 State Route 145, Lower Salem, Ohio.

On May 21, 2010, I investigated this complaint and spoke to your mother who lives on this property. There were several trailers being scrapped on the property. Evidence of the open burning of wood and other wastes from the trailers was observed over the hill behind the trailer farthest from your mother's residence. As I explained to your mother, demolition wastes including wood, tar paper, shingles, flooring, and plastics (plastic-coated copper wire) cannot be open burned. I left a pamphlet that explains Ohio's open burning rules for you.

On May 24, 2010, I spoke to you by phone and explained the open burning rules to you. I am enclosing a copy of this rule for you. 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. 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.

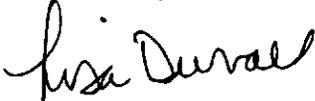
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as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

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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.

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: The Washington County Health District, 342 Muskingum Dr., Marietta, Ohio 45750