OhioEPA

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

January 2, 2009

Re: Washington County
Open Burning
Complaint 30000691

Certified: 70073020000178821602

Mr. Craig Nichols
325 S. 7th Street
Marietta, Ohio 45750-3345

Dear Mr. Nichols:

I am writing this letter in response to a report from the Little Hocking Fire Department, received by this office on December 8, 2008. The report states that insulation, wood, plastics, and other solid wastes from an old trailer were being open burned on your property, Ohio Avenue, Belpre. Members of the fire department spoke to two men who were burning the old trailer. They told the fire department that they had been hired by you to dispose of the trailer.

On December 17, 2008, I inspected the burn site. Evidence of the open burning of wood, carpet, plastics, insulation, and other solid wastes was observed. The metal trailer frame was next to the burn area. It appeared that a bulldozer or other equipment had been used to clean up the burn site.

The open burning of plastics, demolition wastes, insulation, carpet, tires, etc., is not permitted in Ohio. Open burning of this type 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 or allow other individuals to open burn improper waste materials at this location, legal action will be taken against you as the property owner.

I am requesting a written commitment from you to stop open burning in violation of OAC rule 3745-19- 04 within 14 days of receipt of this letter. The Ohio EPA has the 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.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Dave Chenault, DSIWM/SEDO
cc: Trevor Irwin, DSIWM/SEDO