



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

May 3, 2013

Re: Athens County  
Open Burning  
Complaint 30002728

**Certified: 70122920000138145898**

Mr. Sean Cupler  
9121 State Route 685  
Glouster, Ohio 45732

Dear Mr. Cupler:

I am writing this letter in response to a complaint received by this office March 8, 2013. The complaint alleges that you dump and open burn trash on the property at 19082 Green Run Road, Glouster. Records from the Athens County Auditor indicate that Mr. Rojer Moody is the owner of this property.

On March 14 and March 22, 2013, I investigated this complaint. There was no one at the above mentioned address at the time of my investigation. During my investigation I confirmed that a shed or outbuilding had been burned next to the house. In addition, across the road from the house I observed three piles of demolition waste, furniture, wood, plastics, a garage door and other solid waste materials. When I returned on March 22, 2013, two of the piles had been burned and one large pile with tires, demolition wastes, plastics, etc. remained. Evidence of previous burning was observed under this pile. I have contacted Mr. Moody to make him aware of the illegal activity on his property.

On October 21, 2009, I investigated a similar complaint at your residence at 20896 Houston Road, Glouster and spoke to your wife. Wood and other demolition wastes had been burned. I issued a warning letter to you and your wife on November 6, 2009, addressing the open burning violations at your home.

On April 25, 2013, I observed a house trailer being demolished by you near the intersection of State Route 13 and State Route 685 on Martin Road. The wood from the trailer was being burned on site. You indicated to me that Mr. Joe Lucas owns the property and he had hired you to tear down the trailer. There were no dumpsters on site and your pull behind trailer was loaded with the insulation from the house trailer. At that time we also discussed the burning that had occurred on Green Run Road.

Open burning of improper waste materials at these locations are 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 copy of this rule for you. Plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is

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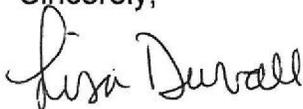
hauled to a property from another location cannot be open burned in Ohio. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately.

Please provide a written response, within 14 days of receipt of this letter, which 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 waste materials, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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 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/cs

Enclosure

cc: The Athens County Health District