



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

July 9, 2013

**Re: Guernsey County
Dutch Barn Builders, LLC
Open Burning
Certified Mail 70122920000138146444**

Mr. Jim Hershberger
Dutch Barn Builders, LLC
18787 Cadiz Road
Lore City, Ohio 43755-9614

Dear Mr. Hershberger:

On July 1, 2013, Mr. Russell Flagg, Division of Drinking and Ground Water, of Ohio EPA's Southeast District Office observed a large fire at your facility. Upon investigation he found that scrap wood and other materials were being burned. He spoke with Mr. Junior Yoder of Dutch Barn Builders.

A business cannot burn any type of waste for disposal purposes. This includes wood, paper, cardboard, etc. 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 fine. 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 at this location or any other location in Ohio, legal action may be taken against Dutch Barn Builders.

I am requesting a written response from you, 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

Enclosure