



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

November 26, 2012

Re: Washington County
Open Burning
Complaint 30002600

Certified: 70102780000197061715

Mr. and Mrs. Chad Gardner
3630 State Route 339
Belpre, Ohio 45714

Dear Mr. and Mrs. Gardner:

I am writing this letter in response to a complaint received by this office in October 2012. The complaint alleges that you haul construction and demolition wastes from your business as a window and door installer to your property at 3630 State Route 339 and burn the wastes.

On November 21, 2012, I investigated this complaint. A large pile of demolition wastes including windows, doors, wood etc. was observed. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card and a pamphlet that explains Ohio's open burning rules. I spoke to you, Mrs. Gardner, later by phone. You told me that you had not burned since July or August. Someone your husband knew had told him that these types of materials could not be burned. I explained that demolition and or construction wastes could not be burned in Ohio.

Plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. A business cannot open burn any type of waste for disposal purposes.

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. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action will be taken against you.

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.

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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,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

cc: The Washington County Health District