



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

December 14, 2012

Re: Pike County  
Open Burning  
Complaint 30002606

**Certified: 70102780000197061739**

Mr. Rodney Bumgardner et al.  
3496 Dry Bone Road  
Peebles, Ohio 45660

Dear Mr. Bumgardner et al.:

I am writing this letter in response to a complaint received by this office November 19, 2012. The complaint alleges that you, Roger Bumgardner, are hauling in and dumping demolition wastes including asphalt roofing materials, tire, plastics and other debris.

On November 27, 2012, I investigated this complaint and spoke to a woman who identified herself as your sister. She was aware that there had been a large fire and the fire department had been out to the family property. I found the burn site still smoldering in an open field. Evidence of the open burning of wood, demolition wastes, carpet and other solid waste materials was observed. There were several piles of demolition wastes dumped on the property.

I spoke to you by phone on November 30, 2012. You told me that you work out of state and did not know who had been dumping on the family property. As I explained at that time, demolition wastes, carpet, roofing materials etc. cannot be burned in Ohio. Nothing that is hauled in can be burned for waste disposal purposes. There were several separate piles of wastes which indicates to me that many separate loads of wastes were dumped on this property. There were also clear tire tracks from Dry Bone Road to the burn site, caused by vehicle traffic to the burn site.

I spoke to you again on December 14, 2012, to clarify who owns the property. You told me that there are nine owners. Rodney Bumgardner, who is listed on the Pike County Auditor site and William Goodman, who is your nephew are both owners.

Based on records from the Pike County General Health District open dumping and open burning has been observed on this property dating back to 2006.

The Benton Township Fire Department responded to a fire on this property on November 16, 2012. Mr. William Goodman (your nephew and part owner of the property) was on

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site. Fire Chief Shannon Elliott advised Mr. William Goodman on site that the trash pile needed to be dozed down and spread out to completely extinguish the fire.

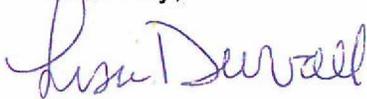
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of improper waste materials continues on this property, legal action will be taken against all of the legal owners of this property.

Please provide a written response within 14 days of receipt of this letter, which includes a commitment from your family members 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 Benton Twp. Vol. Fire Dept., 1317 Morgan's Fork Road, Waverly, Ohio 45690  
cc: The Pike County General Health District, 14050 US 23 N., Waverly, Ohio 45690  
cc: Shannon Elliott, 1166 Morgan's Fork Road, Waverly, Ohio 45690