



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

August 13, 2013

Re: Ross County
Open Burning
Complaint 30002961

Certified: 70102780000197079987

Mr. Jay Elsea
Elsea Homes
2015 Stone Ridge Drive
Circleville, Ohio 43113

Dear Mr. Elsea:

I am writing this letter in response to a complaint received by this office July 26, 2013. The complaint alleges that demolition wastes from trailers are being burned by Elsea Homes near the intersection of State Route 23 and Three Locks Road, Chillicothe.

On July 30, 2013, I investigated this complaint and spoke to Mr. Robert Adams, who told me he worked for Elsea Homes. There were a large number of empty, older or damaged trailers parked on the site, probably over a hundred. Evidence of the open burning of wood, trash, plastics, household wastes, demolition debris and other solid waste materials was observed. As I explained to Mr. Adams at that time, demolition wastes, plastics, furniture, mobile homes, buildings, etc. cannot be open burned anywhere in Ohio.

On August 2, 2013, I spoke to you by phone to inform you of this violation and explain Ohio's open burning rules. You told me that Mr. Adams was contracted by Elsea Homes.

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 Elsea Homes continue to open burn or allow the open burning of improper waste materials at this location or any other location in Ohio, legal action will be taken against Elsea Homes.

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

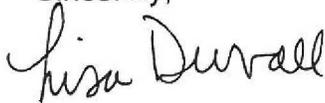
Mr. Jay Elsea
Elsea Homes, Open Burning
August 13, 2013
Page 2

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 Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM 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

Enclosure

cc: DMWM