



**Environmental
Protection Agency**

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

August 31, 2012

RE: Washington County
Marietta Industrial Enterprises
Notice of Violation – HPV-9
Open Burning

Certified: 70102780000197061357

Scott Elliott
Marietta Industrial Enterprises
17943 State Route 7
Marietta, Ohio 45750

Dear Mr. Elliott:

On August 7, 2012, an Ohio EPA inspector witnessed and documented open burning of solid waste on Marietta Industrial Enterprise (MIE) property. From speaking with you and MIE representative Eric Taylor, it was determined that the illegal open burning was being conducted by tenants (Iddings Trucking, Inc.) on MIE property.

The open burning of solid waste is not permitted in Ohio. Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. As the owner of the property, you are responsible for any illegal burning that occurs on your property. If the open burning of improper waste materials continues at this location, legal action may be taken against you.

Within 15 days of receipt of this letter, please submit a plan and schedule to return the facility to compliance. The plan should include a timeline for completing corrective actions and the corrective actions taken. The plan should include the following:

- clean-up of the burn area and any remaining solid wastes, (please provide to the agency a copy of the landfill receipt as proof of proper disposal);
- training for MIE employees and tenants to educate them on the open burning regulations; and
- posting the enclosed opening burning regulations and informative pamphlet at the facility in a location where it will easily be viewed by employees and tenants.

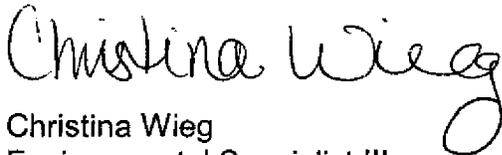
Scott Elliott
Marietta Industrial Enterprises
August 31, 2012
Page 2

Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of the 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 the local health department, and further investigation may be initiated if it appears rule violations within their jurisdiction have occurred.

Please contact me at (740) 380-5223 if you have any questions.

Sincerely,



Christina Wieg
Environmental Specialist III
Division of Air Pollution Control
Southeast District Office

CW/cs

Enclosure

Open Burning Rules
Open Burning Pamphlet

cc: The Washington County Health District
The Marietta Fire Department
Richard Gessel, Iddings Trucking, Inc.
Gregg Bachmann, Attorney General's Office
Sarah Bloom, Attorney General's Office
Dean Ponchak, SEDO DAPC
Bruce Weinberg, CO DAPC