



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

April 12, 2013

RE: Washington County
Marietta Industrial Enterprises
Notice of Violation - HPV-9
Open Burning
Certified Mail 70122920000138145799

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

Dear Mr. Elliott,

On April 2, 2013, an Ohio EPA inspector witnessed and documented open burning of solid waste on Marietta Industrial Enterprises (MIE) property. From speaking with MIE representative Grant Elliott, it was determined that the illegal open burning was being conducted by an MIE employee on MIE property. The MIE employee was burning pallets made from wood fibers and glue in a metal tote that is sometimes used for the burning of clean seasoned wood for worker warmth.

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 3745-19-04 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.

In an email dated April 3, 2013, MIE representative Eric Taylor outlined the following plan and schedule of activities that MIE has completed in order to return the facility to compliance:

- The MIE employee who was conducting the open burning was issued a written warning to be kept on file in accordance with MIE company policy;
- MIE completed another training session on April 3, 2013, to remind the employee about open burning regulations; and
- The facility continues to maintain a posting of Ohio EPA open burning regulations in an easily viewed location for employees and tenants.

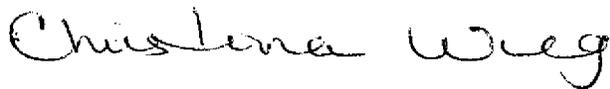
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Ohio EPA accepts the above listed plan and schedule to return MIE to compliance. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of 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,

A handwritten signature in cursive script that reads "Christina Wieg".

Christina Wieg
Environmental Specialist III
Division of Air Pollution Control

CW/dh

cc: The Washington County Health District
The Marietta Fire Department
Gregg Bachmann, Attorney General's Office
Sarah Bloom, Attorney General's Office
Dean Ponchak, SEDO, DAPC
Bruce Weinberg, CO, DAPC
Eric Taylor, Marietta Industrial Enterprise