



**Environmental
Protection Agency**

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

January 10, 2012

**Re: Washington County
Open Burning
Complaint 30002154**

Mr. Kelly Lang
P.O. Box 27
Waterford, Ohio 45786

Dear Mr. Lang:

I am writing this letter in response to a complaint received by this office on December 2, 2011. The complaint alleges that you burn waste materials in a burn pit at 13191 Waterford Road, Waterford.

On December 12, 2011, I investigated this complaint. 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 in your back door that explains Ohio's open burning rules. Evidence of the open burning of wood, trash, plastics, household garbage, furniture, an exercise bike and other solid waste materials was observed.

On December 29, 2011, I spoke to you by phone and explained what you can and cannot open burn in Ohio.

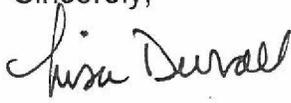
To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. The waste must be generated on the property.

Plastics, demolition or construction waste materials, garbage, insulation, tires, automobile parts or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. 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 pamphlet that explains this rule for you and a copy of the code rule. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action will be taken against you.

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 wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by the 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.

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/dh

Enclosure

cc: Bruce Weinberg, SEDO, DAPC
Donna Goodman, SEDO, DMWM