



Environmental
Protection Agency

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

August 18, 2011

CERTIFIED MAIL

Clarence E. Cox
8915 State Route 47
Sidney, Ohio 45365

WARNING LETTER

Dear Mr. Cox;

It has come to our attention through information received from a complainant and through an investigation that illegal open burning occurred on the property owned by Christian Faith Baptist Association on Parcel Number 38-23-28-153-001 on State route 29 in Sidney on or about August 15, 2011. Open burning is allowed for some purposes, but they are limited and must meet certain conditions. The open burning in this case violated the following section of Ohio Administrative Code 3745-19:

-04(B), Fires allowed by paragraphs (B)(1), (B)(2), (B)(3) and (B)(5) of this rule shall not be used for waste disposal purposes.

-04(B)(3), open burning occurred in an unrestricted area less than one thousand feet from a residential property not located on said premises.

Additionally the burning of demolition debris is a violation of Ohio Administrative Code 3745-20-04, *Demolition and Renovation Procedures for Asbestos Emissions Control*

Open burning can cause the release of toxic fumes into the air and adverse health effects. It is illegal to open burn without the requisite permission from the Ohio EPA. When plant material and leaves are burned, mold spores, airborne organic compounds, particulates, carbon monoxide and other gases are released into the ambient air.

Open burning is only permitted for certain purposes under the Ohio EPA's open burning regulations. The burning of garbage, tires, plastics and any form of liquid petroleum product is prohibited anywhere in the State of Ohio.

With few exceptions, open burning is not permitted in a restricted area. Restricted areas include areas: within the boundaries of any municipal corporation (town or city); within a 1,000-foot boundary of cities with a population of 1,000 to 10,000; and within a one-mile boundary of cities with a population of 10,000 or more.

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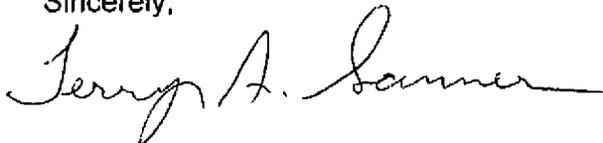
In certain defined instances open burning may be permitted by the Ohio EPA. An application requesting permission to open burn must be sent to the Ohio EPA, at least 10 days before the planned burning. Such an application, at a minimum, must include the purpose of the proposed burning, the kinds and amounts of materials to be burned, the date(s) of the burning, the location of the fire, and the methods that will be used to reduce smoke.

Permission to open burn will be granted if compliance with the State of Ohio's open burning regulations can be demonstrated; the burn will be conducted in a timely manner and in a place that will **minimize** air pollutants produced; and there will be no serious, harmful effects on the health or property of nearby residents.

Open burning without requisite permission in a restricted or unrestricted area is in direct violation of the Ohio Administrative Code (OAC) regulations 3745-19-03 and 3745-19-04, respectively.

The practice of open burning demolition debris on your property is illegal and generates needless pollution. We hope this letter helps you to understand the importance of these regulations and will help you comply with the law in the future. Should you wish to discuss this issue further, please contact me at (937)285-6032.

Sincerely,



Terry A. Sanner
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

ec: Mike McClellan, Shelby County Health Department

TAS/ca