

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korteski, Director

CERTIFIED MAIL

October 19, 2010

Mr. Hamaker
701 Winding Ridge Lane
Sidney, Ohio 45365

WARNING LETTER

Dear Mr. Hamaker

The Ohio Environmental Protection Agency received a complaint regarding illegal open burning. After thorough investigation, we have determined that illegal open burning occurred on the property at 701 Winding Ridge Lane, Sidney, Ohio on or about October 18, 2010. Open burning is allowed for some purposes, but they are very limited and must meet certain conditions. The open burning in this case violated the following sections of Ohio Administrative Code 3745-19:

- 03(C), open burning occurred without prior notification.
- 03(C)(3), open burning occurred in a restricted area less than one thousand feet from a residential property not located on said premises.
- 03(D), open burning was conducted in a restricted area without being in receipt of written permission from the Ohio EPA.

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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Outside of these boundaries, open burning of land clearing materials requires a written permit from the Ohio EPA and the use of an air pollution curtain to reduce smoke and other air pollutants. The burning of agricultural and residential wastes does not require a permit or notification to the Ohio EPA, **as long as the fire is not set within 1,000 feet of an inhabited building or residence located off the property where the fire is set.** At no time shall waste be moved off-site to an unrestricted area for the purpose of burning.

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.

Please find enclosed a brochure that summarizes the State of Ohio's open burning regulations for your review.

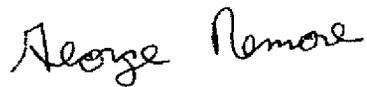
Open burning without requisite permission in a restricted or unrestricted area is in direct violation of the Ohio Administrative Code (OAC) regulations 3745-19-03 and 3745-19-04, respectively.

The practice of open burning leaves and wood on your property without an open burning permit from the Ohio EPA is illegal and generates needless pollution. We hope this letter helps you to understand the importance of these regulations and will

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help you comply with the law in the future. Should you wish to discuss this issue further, please contact me at (937) 285-6075.

Sincerely,

A handwritten signature in cursive script that reads "George Nemore".

George Nemore
Environmental Specialist 2

cc: John Paulian , CO/ DAPC
Lisa Holscher U S EPA , Region V
Tom Schneider SWDO/ DAPC

GN/ca