



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

April 20, 2009

CERTIFIED MAIL

Mr. Ben Kandel
5762 Township Road 32 S.
West Liberty, Ohio 43357-9553

WARNING LETTER

Dear Mr. Kandel:

It has come to our attention through a complaint that illegal open burning occurred at your residence at 5762 Township Road 32 S., West Liberty in Logan County on or about April 12, 2009. 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 sections of Ohio Administrative Code 3745-19-04(B)(3), open burning occurred in an unrestricted area less than one thousand feet from a residential property not located on said property.

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.

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

Copy: Logan County Health District (electronic copy)
West Liberty Fire Department (fax copy)
Tom Schneider, DAPC, SWDO (electronic copy)

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