



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

March 28, 2007

Re: Tuscarawas County
Open Burning
Complaint 20070078

Certified: 70051820000812622428

Mr. Shawn Stutzman
4185 S.E. Royal Lane
New Philadelphia, Ohio 44663-9458

Dear Mr. Stutzman:

I am writing this letter in response to a report our office received from the New Philadelphia Fire Department on March 14, 2007. The report states that you were open burning leaves, construction debris, and cushions from a couch at 4185 S.E. Royal Lane, New Philadelphia.

The open burning of demolition wastes, furniture, plastics, tires, garbage, etc. 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. If you continue to open burn improper waste materials, legal action may be taken against you.

I am enclosing a pamphlet that explains Ohio's open burning rules for you. To open burn residential wastes such as paper, leaves, tree trimmings, and cardboard, you must be in an unrestricted area and 1,000 feet from your nearest neighbor.

I am requesting a written response from you, within 30 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

Mr. Shawn Stutzman
March 30, 2007
Page 2

If you have any questions, please contact me at this office at 740-380-5217.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

enclosure

cc: The Tuscarawas County Health District, P.O. Box 443, Dover, Ohio 44622
cc: The New Philadelphia Fire Dept., 108 2nd St. SE, New Philadelphia, Ohio 44663