



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 30, 2007

Re: Tuscarawas County
Open Burning
Complaint 20070076

Certified: 70051820000812622459

Mr. Tom Jones
4529 Sattler Bottom Road NE
Mineral City, Ohio 44656-8834

Dear Mr. Jones:

I am writing this letter in response to a complaint received by this office on March 16, 2007. The complaint alleges that you are open burning trash, plastics, and garbage at your residence.

On March 20, 2007, I investigated this complaint. There was no one at your home at the time of my investigation. I left my card and a pamphlet in your front door that explains Ohio's open burning rules. A large burn pile was observed in your backyard. Household trash, plastics, and garbage have been burned and left in a pile near the driveway.

To open burn residential wastes such as paper, leaves, tree trimmings, and cardboard, you must live in an unrestricted area (which you do) and be at least 1,000 feet from the nearest neighbor. Your burn pile is not 1,000 feet from your neighbors. Plastics, garbage, tires, automobile parts, furniture, carpet, etc. cannot be open burned in Ohio.

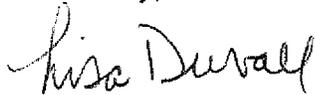
Open burning improper waste materials is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action may be taken against you.

I am 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.

Mr. Tom Jones
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Please contact me at 740-380-5217 or 1-800-686-7330 as soon as possible so that we can discuss this matter.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mim

ATES

• Sender