



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

January 3, 2011

Re: Athens County  
Open Burning <sup>39</sup>  
Complaint 30001705

Certified: 70101060000178960682

Mr. and Mrs. Harold W. Burns  
15750 US Route 33  
Nelsonville, Ohio 45764

Dear Mr. and Mrs. Burns:

I am writing this letter in response to a complaint received by this office on December 9, 2010. The complaint alleges that roofing materials, trash and garbage were burned on property that you own at 5368 Happy Hollow Road, Nelsonville.

On December 20, 2010, I investigated this complaint and attempted to contact the residents of the property. Evidence of the open burning of wood, a chair, electric motors and other solid waste materials was observed. I left a pamphlet in the door that explains Ohio's open burning rules along with my business card and phone number.

On December 27, 2010, I spoke to you, Mrs. Burns, in reference to this complaint. You and your husband are the current owners of the property on Happy Hollow Road. Mr. Oaks resides in the house on the property. As I explained during our phone conversation, if Mr. Oaks continues to open burn in violation of Ohio Administrative Code (OAC) Rule 3745-19-04, you, as the property owners, can be held legally responsible for the illegal burning on your property.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as the Happy Hollow Road property is) and the burn site must be at least 1,000 feet from any inhabited building not on the property. Because there is not a burn site location on this property that is at least 1,000 feet from any inhabited building not on your property, residential waste cannot be burned at on this property.

Plastics, plastic-coated copper wire, automobile parts, furniture, roofing materials such as tar paper, shingles, demolition or construction wastes, garbage, or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. Open burning of improper waste materials at this location is in violation of OAC Rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC Rule 3745-19-04 must stop immediately. If the open burning of improper waste materials continues on this property, legal action will be taken against you as the property owner and Mr. Oaks.

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I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop the 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 the 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.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure-pamphlet