



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

November 6, 2009

Re: Athens County
Open Burning
Complaint 30001148

Certified: 70073020000178847763

Mr. and Mrs. Cupler
20896 Houston Road
Glouster, Ohio 45732-9217

Dear Mr. and Mrs. Cupler:

I am writing this letter in response to a complaint received by this office on October 21, 2009. The complaint alleges that demolition wastes are being hauled to your home on Houston Road in Glouster and burned.

On October 21, 2009, I investigated this complaint and spoke to you, Ms. Cupler. You told me that your husband had hauled the wastes to the property. Evidence of the open burning of wood and other demolition wastes was observed. As I explained during my visit, demolition wastes cannot be open burned in Ohio. Any type of waste material that is hauled in to a property also cannot be open burned for disposal purposes. Painted, treated or varnished wood cannot be burned for waste disposal, heating purposes, cookouts or campfires.

Open burning of improper waste materials of the Houston Road location 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 the open burning of improper waste materials continues on this property, legal action may be taken against you.

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.

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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.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Athens County Health District