



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

May 5, 2009

Re: Athens County
Open Burning
Complaint 30000846

Certified: 70073020000178822302

Mr. Ray Osborne
Faith Believers Ministry
8137 State Route 356
New Marshfield, Ohio 45766

Dear Mr. Osborne:

I am writing this letter in response to a complaint received by this office on April 10, 2009. The complaint alleges that a chair, mattresses and other solid wastes were open burned behind the church.

On April 20, 2009, I investigated this complaint and spoke to your son Ray Osborne. Evidence of the open burning of cardboard boxes, mattresses and other solid wastes was observed next to the dumpster. As I explained to your son, this type of open burning is in violation of Ohio's open burning rules. Mattresses, furniture, plastics, garbage, tires, etc., cannot be open burned in Ohio. A church cannot open burn wastes for disposal purposes. The cardboard can be recycled. I was told by the local fire department that there is a recycle truck in New Marshfield on Saturdays that will recycle the cardboard.

Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. If solid wastes continue to open burned, legal action may be taken against the church.

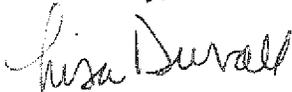
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment form you to stop open burning in violation of the requirements specified in OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy 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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: The Athens County Health District
cc: The Waterloo Twp. Fire Dept.