



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 30000804

Certified: 70073020000178822210

Mr. Byron Guinther
10250 S. Poplar Dr.
Glouster, OH 45732

Dear Mr. Guinther:

I am writing this letter in response to a complaint received by this office on March 20, 2009. The complaint alleges that you are open burning brush on your property.

On April 6, 2009, I investigated this complaint and left my business card and a pamphlet in your door that explains Ohio's open burning rules. Evidence of the open burning of wood, lumber, aerosol cans and a yellow garden hose was observed. I spoke to you by phone later that day. As I explained at that time, to open burn residential or agricultural wastes such as paper, leaves, tree trimmings, etc., your property must be located in an unrestricted area and the burn site must be at least 1,000 feet from the nearest neighbor. I could not determine if your property is in an unrestricted area. A restricted area as defined in Ohio Administrative Code (OAC) rule 3745-19-01 is based on the size of the village. If the village has less than 1,000 residents, the restricted area ends at the village limits. If the village has between 1,000 and 10,000 residents, the restricted area extends 1,000 feet outside the village limits. If it is a city of more than 10,000 residents, the restricted area extends to one mile outside the city limits. If you determine that your property is not in a restricted area, the burn site must still be at least 1,000 feet from the nearest neighbor. The burn site that I observed is not 1,000 feet from the nearest neighbor. Therefore, you cannot open burn at this location.

Plastics, rubber, treated wood, aerosol cans etc., cannot be open burned anywhere in Ohio. Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 (if the area is restricted) or 3745-19-04 (if the area is unrestricted) and is punishable by a fine. If you continue to open burn improper waste materials, legal action will be taken against you. I am enclosing a copy of these rules and a copy of the original complaint as you requested.

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

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure