



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

April 17, 2008

**Re: Athens County  
Open Burning  
Complaint 30000180**

**Certified Mail 70063450000190546765**

Ms. Ada McGee and Mr. Bernard Cheatwood  
10699 State Route 550  
Athens, Ohio 45701

Dear Ms. McGee and Mr. Cheatwood:

I am writing this letter in response to a complaint received by this office on April 4, 2008. The complaint alleges that trash, garbage, and other household wastes are being open burned behind your home.

On April 7, 2008, I investigated this complaint and spoke to you, Ms. McGee. There was a large burn pile near the creek behind your home that was smoldering during my investigation. Evidence of the open burning of garbage and plastics was observed. As I explained to you at that time, garbage, cans, plastics, furniture, etc., cannot be open burned anywhere in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, and cardboard, you must live in an unrestricted area and be at least 1,000 feet from the nearest neighbor. This burn site is not 1,000 feet from the nearest neighbor; therefore, you may not open burn any type of waste material on this property.

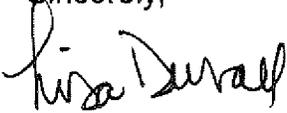
Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I gave you a pamphlet that explains Ohio's open burning rules. If you continue to open burn improper waste materials on this property or any other property in Ohio, legal action may be taken against you.

I am requesting a written response from you, within 7 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.

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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/dh

cc: Mr. Snyder