



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 Korfeski, Director

August 27, 2010

Re: Athens County  
Open Burning  
Complaint #30001570  
Certified: 70101060000178960033

Mr. and Mrs. Joe Dixon  
8834 Old State Route 78  
Glouster, Ohio 45732-9190

Dear Mr. and Mrs. Dixon:

I am writing this letter in response to a report from the Athens County Health Department received by this office on August 19, 2010. The report and associated pictures confirm that improper solid waste materials were open burned on your property.

On August 25, 2010, I investigated this complaint, but no one was at your property at the time of my investigation. Evidence of the open burning of wood, trash, garbage, and other solid wastes was observed, and it does not appear that there has been any effort to clean up the burn site since the health department contacted you. I left my business card and a pamphlet next to your door that explains Ohio's open burning rules.

Garbage, plastics, furniture, tires, etc., cannot be open burned in Ohio. To open burn residential waste such as paper, leaves, and tree trimmings, the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from your nearest neighbor. Because there is not a burn site location on your property that is 1,000 feet from your nearest neighbor, you cannot open burn residential waste at this location.

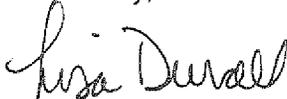
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action will 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 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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If you have any questions about the information requested above, or if you would like to discuss this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall". The signature is written in black ink and is positioned to the left of the typed name.

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm