



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

December 31, 2009

Re: Athens County
Open Burning
Complaint 30001191

Certified: 70073020000178848104

Mr. Jeff Peterson
1837 Peterson Lane
Albany, Ohio 45710

Dear Mr. Peterson:

I am writing this letter in response to a complaint received by this office on November 24, 2009. The complaint alleges that you are open burning demolition debris at your home.

On December 3, 2009, I investigated this complaint. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card, phone number and a pamphlet in your door that explains Ohio's open burning rules. I have also called your home several times, but no one has contacted me in response to this complaint. Evidence of the open burning of leaves and yard wastes was observed on your property.

To open burn residential waste such as leaves, tree trimmings, cardboard, paper, etc., the property must be located in an unrestricted area and the burn site must be at least 1,000 feet from the nearest neighbor. It appears that your property is located in an unrestricted area, but the burn sites are not 1,000 feet from the nearest neighbor. I did not see evidence of the burning of demolition waste materials, though I was told that a neighbor saw these types of waste materials burned on your property. Demolition wastes cannot be open burned anywhere in Ohio.

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. I am enclosing a copy of this rule for you. If you 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 OAC rule 3745-19-04. The Ohio EPA has the 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.

Mr. Jeff Peterson
December 31, 2009
Page 2

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". 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

Enclosure