



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-8490
www.epa.state.oh.us

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

October 22, 2009

**Re: Athens County
Open Burning
Complaint 30001117**

Certified Mail 70073020000178820339

Ms. Wendy Plageman
8005 State Route 356
New Marshfield, Ohio 45766

Dear Ms. Plageman:

I am writing this letter in response to a complaint received by this office on September 25, 2009. The complaint alleges that plastics, garbage, wood and other wastes are being open burned at your home.

On October 14, 2009, I investigated this complaint. I attempted to speak to you but you were not home at the time of my investigation. Evidence of the open burning of household trash, garbage, and other wastes was observed in the backyard. When I returned to the office you called me in regard to my visit. You told me that you are the new owner of the property. As I explained at that time, to open burn residential waste such as paper, leaves, cardboard, tree trimmings, etc., the property must be located in an unrestricted area (your property is) and the fire must be at least 1,000 feet from the nearest neighbor. Your property and burn site are not 1,000 feet from the nearest neighbor; therefore, you cannot open burn residential waste on this property. Plastics, garbage, furniture, appliances, stereo equipment, tires, etc. cannot be open burned in Ohio.

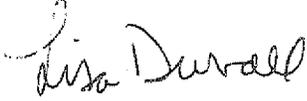
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. 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 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 regarding this matter, please contact me at (740) 380-5217.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/dh

Enclosure