



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

May 5, 2009

Re: Athens County  
Open Burning  
Complaint 30000 845

Certified: 7007302000178822234

Mr. Mike Osborne  
8005 State Route 356  
New Marshfield, Ohio 45766-9788

Dear Mr. Osborne:

I am writing this letter in response to a complaint received by this office on April 10, 2009. The complaint alleges that stereo equipment, plastics, and household trash were open burned at your home on State Route 356.

The Ohio EPA received a previous complaint of open burning at your residence on December 23, 2008. I investigated this complaint and spoke to you on December 31<sup>st</sup> of that year.

On April 20, 2009, I investigated this complaint. You were not at home at the time of my investigation. Evidence of the open burning of plastics and household wastes was observed. Trash bags, a furniture cushion and other trash were piled on top of the ash from your previous fires. I later spoke to you at the church where I was investigating another complaint. You told me at that time that you were no longer burning at your home and that you haul your trash to the dumpster at the church. I am enclosing a copy of the complaint as you requested.

Because the burn site at your home is less than 1,000 feet from the nearest neighbor, you cannot open burn residential waste such as paper, leaves and tree trimmings on this property. Plastics, furniture, furniture cushions, etc., cannot be open burned in Ohio. Open burning 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 requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment form 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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

Mr. Mike Osborne  
May 5, 2009  
Page 2

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

cc: The Waterloo Twp. Fire Dept., P.O. Box 248, New Marshfield, Ohio 45701  
cc: The Athens County Health District, 278 W. Union St., Athens, Ohio 45701