



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

September 5, 2008

Re: Athens County  
Open Burning  
Complaint

Certified: 70063450000190563175

Mr. Earl Osborne  
8930 State Route 685  
Glouster, Ohio 45732-9179

Dear Mr. Osborne:

I am writing this letter in response to a complaint received by this office on August 18, 2008. The complaint alleges that you are open burning construction debris at your home on State Route 685, Glouster.

On August 19, 2008, I investigated this complaint and spoke to your daughter, Kerri Osborne. You were not at home at the time of my investigation. She told me that she had burned wood from an old trailer that was being dismantled in your backyard. Evidence of the open burning of wood, insulation, and other demolition wastes was observed. Kerri told me that she had called the Mayor of Jacksonville and had spoken with him and someone else associated with the fire marshal's office or fire department and was told that she could burn after 6:00 p.m. As I explained to her, this information is not accurate. You cannot open burn demolition wastes, insulation, furniture, plastics, tires, plastic-coated copper wire, asphalt shingles, garbage, etc., anywhere in Ohio at any time. To open burn residential waste, such as leaves, tree trimmings, brush, papers, etc., which are generated on the property, the burn site must be at least 1,000 feet from the nearest neighbor and 1,000 feet outside the city limits. Your burn site is not 1,000 feet from the nearest neighbor; therefore, you also cannot open burn residential waste on this property.

Open burning construction debris or other 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 of OAC rule 3745-19-04 must stop immediately. If you or anyone else continues to open burn improper waste materials, legal action may be taken against you as the property owner.

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 Ohio EPA of a

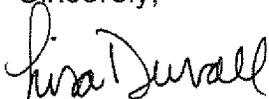
Mr. Earl Osborne  
September 5, 2008  
Page 2

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.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

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

cc: The Athens County Health District