



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

October 26, 2007

Re: Athens County
Open Burning
Complaint 20070449

Certified: 70063450000190561416

Mrs. Pamela Dye
11711 Ten Spot Road
Nelsonville, Ohio 45764-9406

Dear Mrs. Dye:

I am writing this letter in response to a complaint received by this office on September 24, 2007. The complaint alleges that tires and trash are being open burned on Ten Spot Road, in Nelsonville.

On October 19, 2007, I investigated this complaint and spoke to your daughter, Rita. I gave her a pamphlet that explains Ohio's open burning rules and I left one in your door for you. Evidence of several huge fires was observed. Tires, furniture, trash, wire, wood, railroad tires, and other solid wastes were observed. Rita told me that your son and others had been cleaning up the old property and burning the unwanted materials. Some of the metal had been scrapped.

Tires, plastics, wire, automobile parts, furniture, treated lumber, demolition debris, etc., cannot be open burned in Ohio. To open burn residential wastes such as paper, leaves, tree trimmings, cardboard, etc., the burn area must be at least 1,000 feet from the nearest neighbor. This property is not 1,000 feet from the nearest neighbor so these wastes also cannot be open burned. Open burning of this type 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 allow the open burning of improper waste materials, legal action may be taken against you as the property owner and the people who are burning these materials on your property.

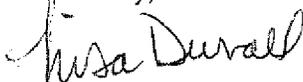
I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt and/or recycler receipt as proof of proper disposal. Acceptance by 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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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, 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/mlm

cc: The Athens County Health District, 278 W. Union St., Athens, Ohio 45701