



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

July 7, 2011

Re: Coshocton County  
Open Burning  
Complaint

Certified: 70101060000178962617

Mr. John Housholder  
50852 County Road 16  
Coshocton, Ohio 43812-9347

Dear Mr. Housholder:

I am writing this letter in response to a complaint received by this office on June 17, 2011. The complaint alleges that you have a tree service and you haul in and burn the wastes generated from your business on you property at 50852 County Road 16, Coshocton.

On June 22, 2011, I investigated this complaint. Evidence of the open burning of wood, trash, cardboard and other solid waste materials was observed. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card and a pamphlet in your door that explains Ohio's open burning rules.

A business cannot open burn any type of waste material that is generated by doing business. This includes tree trimmings, leaves, grasses or any other type of vegetation. To open burn residential waste (generated on a one-, two- or three-family residence as the result of residential activities, but not including garbage) such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. Because there is not a burn site location on your property that is at least 1,000 feet from any inhabited building not on your property, you cannot open burn residential waste at this location.

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 maximum fine of up to \$25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn any type of improper waste material on this property or any other property in Ohio, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup 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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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.

Please contact me at 740-380-5217 or 1-800-686-7330 so that we can discuss this complaint and make arrangements for a follow up inspection at your property.

Sincerely,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Cc: The Coshocton County Health District, 724 S. 7<sup>th</sup> St., Coshocton, Ohio 43812