



**Environmental  
Protection Agency**

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

October 4, 2011

Re: Belmont County  
Open Burning  
Complaint 30002058

Certified: 70101060000178963188

Mr. James Farmer  
329 ½ Thorn Ave.  
Moundsville, WV 26041

Dear Mr. Farmer:

I am writing this letter in response to a complaint received by this office on September 19, 2011. The complaint alleges that you burn trash, roofing materials, tires, mattresses and other waste materials on your property at 53373 Wegee Road, Shadyside, Ohio.

On September 27, 2011, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage and other solid waste materials was observed along the creek bank. As I explained at that time, plastics, garbage, furniture, etc. cannot be open burned anywhere in Ohio. I left my business card and a pamphlet on your mailbox that explains Ohio's open burning rules.

On September 29, 2011 I spoke to you by phone and informed you that the open burning of plastics, garbage, furniture, tires, painted wood, etc. is not permitted in Ohio. The burn site will need to be cleaned up so that the waste materials do not fall into the creek.

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. 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, 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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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 cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm