



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 Korieski, Director

November 4, 2008

Re: Belmont County
Open Burning
Complaint 30000615

Certified: 70063450000190563564

Mr. Justin Swegard
69559 Sunny Addition Road
St. Clairsville, Ohio 43950

Dear Mr. Swegard:

I am writing this letter in response to a complaint received by this office on October 17, 2008. The complaint alleges that you are open burning construction and demolition wastes, tires, and other solid wastes near the creek at your home.

On October 30, 2008, I investigated this complaint. You were not home at the time of my investigation. I left my business card and a pamphlet that explains Ohio's open burning rules for you. Evidence of the open burning of tree trimmings, construction, and demolition wastes was observed.

Demolition wastes, construction wastes, plastics, furniture, tires, and any type of waste materials that are hauled in to a property cannot be open burned in Ohio. To open burn residential wastes such as paper, leaves, tree trimmings, branches, etc., the property must be located in an unrestricted area and the fire must be at least 1,000 feet from the nearest neighbor. There is no location that is at least 1,000 feet from your nearest neighbor, therefore, even residential waste cannot be open burned on this property.

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. If you continue to open burn improper waste materials, legal action may be taken against you.

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 the requirements specified in 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 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 Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM 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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO