



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 22, 2009

**Re: Belmont County
Open Burning
Complaint 30001104**

Certified Mail 70073020000178820360

Ms. JoAnne Kightlinger
55089 Maple Street
Lancing, Ohio 43934

Dear Ms. Kightlinger:

I am writing this letter in response to a complaint received by this office on September 21, 2009. The complaint alleges that waste materials are being open burned in barrel in your backyard and filling a neighbor's house with smoke.

On October 16, 2008, I investigated a similar complaint and spoke with Mr. Lowe. Garden and yard wastes had been burned in the backyard barrel. At that time, I gave Mr. Lowe a pamphlet and explained that because the fire was less than 1,000 feet from the nearest neighbor, it was a violation of Ohio's open burning rules to burn on this property.

On October 2, 2009, I investigated the most recent complaint. I again spoke with Mr. Lowe, who told me that you are the property owner. To open burn residential waste such as paper, leaves, tree trimmings, cardboard or agricultural waste from the garden, the property must be located in an unrestricted area and the burn site must be at least 1,000 feet from the nearest neighbor. Your burn site is not 1,000 feet from the nearest neighbor and there is not a location on your property that would be 1,000 feet from your nearest neighbor; therefore, you cannot open burn residential or agricultural waste on this property.

On October 8, 2009, I received another complaint of open burning on your property.

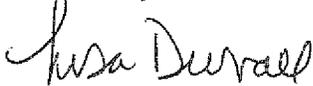
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. If the open burning of improper waste materials continues on this property, legal action will be taken against you as the property owner.

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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 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.

If you have any questions regarding this matter, 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/dh

Enclosure