



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-6501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 5, 2007

Re: Belmont County
Open Burning
Complaint 20070385

Certified: 70063450000190560068

Mr. and Mrs. Kenneth Patterson
56466 McGee Road
Shadyside, Ohio 43947-9768

Dear Mr. and Mrs. Patterson:

I am writing this letter in response to a complaint received by this office on August 9, 2007. The complaint alleges that you are open burning wood, pallets, and demolition debris at your home.

On August 22, 2007, I investigated this complaint and spoke to you, Mrs. Patterson. Evidence of the open burning of scrap wood and demolition debris was observed in your backyard. As I explained to you, demolition debris, remodeling wastes, scrap lumber, and anything that is hauled in cannot be open burned for waste disposal purposes. To open burn residential wastes such as paper, leaves, tree trimmings, cardboard, etc., the burn site must be at least 1,000 feet from the nearest neighbor. Your burn site and property are not 1,000 feet from the nearest neighbor. The solid wastes from the remodeling of your home and your home improvement business can not be open burned. These materials must be disposed of in a licensed demolition or solid waste landfill.

Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by 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 may be taken against you.

I am requesting a written response from you, within 15 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 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, 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

cc: Dave Chenault, DSIWM/SEDO