



**Environmental  
Protection Agency**

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

April 12, 2012

Re: Ross County  
Open Burning  
Complaint 30002291

Mr. Smallwood and Ms. Neff  
15258 Pleasant Valley Road  
Chillicothe, Ohio 45601

Dear Mr. Smallwood and Ms. Neff:

I am writing this letter in response to a report from the Ross County Sheriff's Office received by this office March 30, 2012. The report states that tires and other waste materials were burned on this property.

On April 6, 2012, I investigated this complaint. Evidence of the open burning of wood, plastics, tires and other solid waste materials was observed. Plastics, tires and garbage cannot be open burned in Ohio. Because this property is located in a restricted area, you also cannot burn residential waste such as paper, leaves, tree trimmings, etc. on the property.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials at this location, legal action may 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 3745-19-03 a plan and schedule for cleanup of the burn area and any remaining solid waste materials, 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 or 1-800-686-7330.

Sincerely,

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Enclosure

Cc: Bruce Weinberg-DAPC