



**Environmental  
Protection Agency**

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

June 3, 2011

Re: Jefferson County  
Open Burning  
Complaint 30001827

Certified: 70101060000178960934

Mr. Greg Torak  
2511 State Route 152  
Dillonvale, Ohio 43917

Dear Mr. Torak:

I am writing this letter in response to a complaint received by this office on April 12, 2011. The complaint alleges that you burned debris from a house that had been demolished on your property at 1728 County Road 20, Dillonvale.

On April 26, 2011, I investigated this complaint. Evidence of the open burning of wood, lumber, tree trimmings, trees, and demolition waste materials (basically a whole house) was observed. I attempted to speak to you but you were not home at the time of my investigation. I left my business card and a pamphlet in your door that explains Ohio's open burning rules. To open burn the tree trimmings, the burn site must be at least 1,000 feet from the nearest inhabited structure located on neighboring properties. You cannot open burn the tree trimmings at the current burn location.

On April 29, 2011, I spoke to you by phone. As I explained at that time, demolition waste materials, houses, buildings, barns, etc. cannot be open burned for waste disposal purposes in Ohio. You told me that you noticed smoke while working on a hydraulic line but you did not call the fire department to put the fire out or make any attempt to put the fire out yourself.

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 maximum fine of up to \$25,000 per day per violation. 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 on this property or any other property in Ohio, 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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A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM 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,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Cc: The Smithfield Vol. Fire Dept., P.O. Box 558, Smithfield, Ohio 43948-0558