



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

July 29, 2008

Re: Jefferson County  
Open Burning

Ms. Claris Daniel  
2515 Eoff St.  
Wheeling, WV 26003

Dear Ms. Daniel:

I am writing this letter in reference to our conversation of June 27, 2008. You called my office in regard to a complaint of open burning I had investigated on Township Road 109-A, Rayland. You and your sister both own land on this road. Demolition wastes from a trailer had been open burned on property you own. The open burning of demolition wastes is not permitted in Ohio.

During our conversation about the demolition waste issue, you told me that you intended to open burn land clearing/landscape waste from the adjacent property that you own. As I explained during our conversation, to open burn these types of wood wastes on your property, you must be at least 1,000 feet outside the city limits and 1,000 feet from the nearest neighbor; the fire must be contained in a burn pit; an air curtain destructor must be used; and you must have prior written permission from the Ohio EPA. It does not appear that there is a location on the property that would meet the 1,000-foot setback requirement. Therefore, you cannot open burn these wood wastes on your property. Because there is not a residence on the property that you own, these waste materials would not qualify as residential waste. But, even if there was a residence on this property, the burn area would still have to be 1,000 feet from the neighbors. You mentioned that you would haul the trees and brush to another site to burn them. It is also in violation of State law to open burn waste material on a property that is hauled in from another location. You are permitted to have bonfires, campfires, and use outdoor fireplace equipment on your property without permission from the Ohio EPA; however, the fires must be fueled with clean seasoned firewood, cannot be used for waste disposal purposes, and the bonfires and campfires cannot be larger than 3 feet in diameter and no more than 2 feet in height.

Open burning of demolition wastes or open burning without meeting the setback or other prescribed burning requirements 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. I am enclosing a copy of this rule for you. If improper waste materials continue to be open burned on your property, legal action will be taken against you.

Ms. Claris Daniel  
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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 black ink, appearing to read "Lisa Duvall for". The signature is written in a cursive, flowing style.

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure