



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 17, 2008

Re: Jackson County  
Open Burning  
Complaint 30000556

Certified: 70063450000190563700

Mr. Dave Wagner  
3061 Mulga Road  
Wellston, Ohio 45692-8801

Dear Mr. Wagner:

I am writing this letter in response to a report from the local fire department received by this office on September 21, 2008. The report states that the open burning of tires is a chronic problem at your home on Mulga Road.

On October 2, 2008, I investigated this complaint and spoke to Mr. John Triplet. Trash, garbage, clothing and other household wastes were being open burned at the time of my investigation. I gave Mr. Triplet a pamphlet that explains Ohio's open burning rules to give to you along with my phone number. Plastics, tires, garbage, furniture, plastic-coated copper wire, clothing, rugs, etc., cannot be open burned anywhere in Ohio.

Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a 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 will be taken against you.

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 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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

Mr. Dave Wagner  
October 17, 2008  
Page 2

Please contact me at 740-380-5217 or 1-800-686-7330 as soon as possible so that we can discuss this matter

Sincerely,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Cc: Jackson County Health District, 200 E. Main St., Jackson, Ohio 45640  
Cc: The Wellston Fire Dept., 200 N. Pennsylvania Ave., Wellston, Ohio 45692