



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

August 28, 2009

Re: Hocking County
Open Burning
Complaint

Certified: 70063450000190558447

Mr. and Mrs. Wise
14770 Berry Road
Logan, Ohio 43138

Dear Mr. and Mrs. Wise:

I am writing this letter in response to a complaint received by this office on August 17, 2009. The complaint alleges that a large pile of tires were burned at your rental home on Walnut Dowler Road, Logan. Mr. Chandler is currently the tenant at the Walnut Dowler Road location.

On August 18, 2009, I investigated this complaint and spoke to Mr. Chandler. He told me that his son burned the tires. Evidence of the open burning of tires and furniture was observed in the side yard and a burn barrel was observed next to the creek behind the house. As I explained to Mr. Chandler at that time, tires, furniture, plastics, garbage, etc., cannot be open burned in Ohio.

To open burn residential waste such as paper, leaves, tree trimmings, etc., the residential waste must have been generated at this residence, the property must be located in an unrestricted area (outside of the boundary of any municipal corporation), and the burn site must be at least 1,000 feet from the nearest neighbor. Because the burn site on this property is less than 1,000 feet from the nearest neighbors, residential waste cannot be open burned on this property.

On August 19, 2009, I contacted you by phone, Mrs. Wise, and explained the situation. You confirmed that you own this property. I will also send a letter to Mr. Chandler to formally notify him of this matter.

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 fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to allow the open burning of improper waste materials on this property, legal action may be taken against you as the property owner.

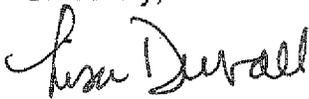
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I am requesting a written response from you, within 10 days of receipt of this letter, that includes what steps you have taken to ensure that your tenants stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

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.

If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Hocking County Health District