



**Environmental
Protection Agency**

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

September 20, 2011

Re: Hocking County
Open Burning

Mr. Jason Derexson
9505 State Route 180
Laurelville, Ohio 43135-9628

Dear Mr. Derexson:

On August 23, 2011, Mr. Mike Sherron of the Ohio EPA's Southeast District Office, Division of Emergency and Remedial Response observed a large amount of black smoke which lead him to a fire on your property. He spoke with you after his arrival. Tires, carpet, mattresses, plywood, chemical containers, computer equipment, styrofoam and other solid waste materials were being open burned. You told Mr. Sherron that you did not intentionally set the fire. As the property owner, you are responsible for any type of illegal open burning on your property.

Plastics, demolition or construction waste materials, garbage, computer equipment, styrofoam, mattresses, etc., cannot be open burned in Ohio. 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. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 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, 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.

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/mlm

Enclosure

Cc: Mike Sherron, SEDO, DERR