



**Environmental
Protection Agency**

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

January 21, 2011

Re: Harrison County
Open Burning
Complaint 30001726

Certified: 70101060000178960736

Mr. Don Whipkey
86056 Black Road
Jewett, Ohio 43986-9522

Dear Mr. Whipkey:

I am writing this letter in response to a complaint received by this office on December 30, 2010. The complaint alleges that you are burning demolition waste materials from a building that you own in Hopedale.

On December 30, 2010, I spoke to you by phone. You told me that you own a building that had been damaged by a fire. The unburned wood waste was hauled to another property and was being burned. Mr. Tom Hare of Hopedale owns the property where the burning is being conducted. You stated that the Mayor of Hopedale and the Hopedale Fire Chief had given you permission to burn these materials. As I explained at that time, demolition waste materials cannot be open burned anywhere in Ohio. The Mayor and/or Fire Chief cannot give your permission to open burn in violation of State laws and regulations.

On January 5, 2011, I investigated this complaint and spoke with you, Mr. Hare, and Mr. Ritchie (who hauled the demolition waste materials to the burn site). Evidence of the open burning of demolition wood waste was observed. As I explained at that time, demolition waste materials or any waste materials that are hauled to another property cannot be open burned for waste disposal purposes. I gave you and Mr. Ritchie a pamphlet that explains Ohio's open burning rules.

Open burning of improper waste materials where Mr. Hare's property is located is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials on Mr. Hare's property, legal action may be taken against you and Mr. Hare as the property owner.

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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 cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure