



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.ch.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 28, 2010

Re: Harrison County
Open Burning
Complaint 30001384

Certified: 70063450000190558980

Mr. and Mrs. Ashley Lyman
47797 Cadiz Harrisville Road
P.O. Box
Cadiz, Ohio 43907

Dear Mr. and Mrs. Lyman:

I am writing this letter in response to complaints received by this office on May 4, May 16 and May 18, 2010. The complaints allege that you are burning waste materials from a house that you are tearing down.

On May 18, 2010, I investigated this complaint and spoke to you, Mrs. Lyman. As I explained at that time, demolition wastes from the house you are tearing down and the shed that was already torn down, yard wastes, scrap wood, trees, etc., cannot be open burned. Demolition wastes (including wood), shingles, tar paper, furniture, etc., cannot be open burned in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, etc., the property must be located in an unrestricted area and the fire must be at least 1,000 feet from the nearest neighbor. There is not a location on your property that is 1,000 feet from the nearest neighbor; therefore, you cannot open burn residential waste on this property. I left a pamphlet with you that explains this rule. Evidence of the open burning of wood and logs and other solid wastes was observed.

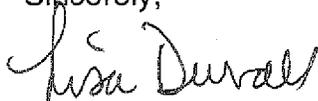
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste 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 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.

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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