



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

March 27, 2009

Re: Harrison County  
Open Burning  
Complaint 30000799

Certified: 70073020000178821992

Mr. Shawn Herron  
9307 Autumn Road  
Bowerston, Ohio 44695-9613

Dear Mr. Herron:

I am writing this letter in response to a complaint received by this office on March 13, 2009. The complaint alleges that you open burned an old house that you had torn down on your property at 245 Penn Avenue, Bowerston.

On March 19, 2009, I investigated this complaint. You were not at home at the time of my investigation. Evidence of the open burning of wood, demolition debris and other wastes was observed in several areas. Demolition materials, construction debris, plastics, tar paper, asphalt shingles, furniture, garbage, etc., cannot be open burned in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, cardboard, yard wastes, etc., the burn site must be located in an unrestricted area (which your property appears to be) and the fire must be at least 1,000 feet from the nearest neighbor. The burn areas that I observed are not 1,000 feet from your neighbors.

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. I left a pamphlet in your door that explains Ohio's open burning rules. 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.

Mr. Shawn Herron  
March 27, 2009  
Page 2

A copy of this letter is being forwarded to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM 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,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, DSIWM/SEDO