



**Environmental  
Protection Agency**

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

April 7, 2011

Re: Morgan County  
Open Burning  
Complaint 30001788

Certified: 70101060000178962167

Mr. Duane King  
7110 Old Grade Road  
Chesterhill, Ohio 43728

Dear Mr. King:

I am writing this letter in response to a complaint received by this office on March 21, 2011. The complaint alleges that you burned tires, a truck, and other wastes on your property on Steffy Hanbel Lane, Chesterhill.

On March 23, 2011, I investigated this complaint. There was no one on the property at the time of my investigation. Evidence of the open burning of wood, trash, plastics, plastic-coated copper wire, a plastic jug with amber colored liquid, and other solid waste materials was observed. I left a pamphlet on your mailbox that explains Ohio's open burning rules.

On March 24, 2011, I spoke to you by phone. You told me that you were scrapping a truck and it accidentally caught fire; that you were not aware that you could not burn plastic-coated copper wire; and that you were not sure what was in the plastic jug that had been burned. As I explained during our conversation, garbage, plastics, plastic-coated copper wire, automobiles, automobile parts, furniture, etc., cannot be open burned anywhere in Ohio.

To open burn agricultural waste such as bags, cartons, trees, tree trimmings, stumps, brush, crop residue, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. If there is not a burn site location on your property that is at least 1,000 feet from any inhabited building not on your property, then you cannot open burn agricultural waste on this property.

You are permitted to have a cookout or campfire using clean seasoned firewood if the fire is not more than two feet in height and not more than three feet in diameter. The fire must be put out when the cookout/campfire is over and cannot be left unattended.

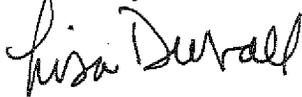
Mr. Duane King  
April 7, 2011  
Page 2

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 copy of 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