



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.oh.us

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

September 8, 2009

Re: Morgan County
Open Burning
Complaint 30001022

Certified: 70063450000190558478

Mr. Shane Montgomery
4545 Mountville Road
Glouster, Ohio 45732

Dear Mr. Montgomery:

I am writing this letter in response to a complaint received by this office on August 4, 2009. The complaint alleges that waste materials are being hauled to your property and then open burned.

On August 11, 2009, I investigated this complaint. The complainant showed me the property on Beard Lane where the open burning had taken place. I spoke to your son at that property. He gave me your phone number and I spoke to you from the Beard Lane property. You told me that a large tree had fallen on the farm. The tree had been cleaned up and the tree tops were burned.

We arranged to meet on August 28, 2009 so that I could see the burn site. You told me that you had burned the tree wastes in a low spot on the farm and indicated that you intend to do more cleaning and clearing on your farm properties as time allows. I gave you a copy of Ohio Administrative Code rule 3745-19-04 and we discussed what type of materials are considered agricultural waste and residential waste and the distance requirements for burning these wastes. Residential and or agricultural wastes can only be burned on the property where they are generated.

I followed a well travelled path to a burn pit and inspected the burn site on my own. There was a fire burning during my inspection. As I dug through the ash, I found evidence of the open burning of lumber, painted wood, insulation, cans, bottles, wallboard, paneling and other waste materials. I also found pieces of foundation block, slate and metal edging or trim from a house. It is apparent that there were more materials open burned than just tree trimmings. After my inspection, I spoke to you at your home and we discussed my findings. Demolition wastes, painted wood, varnished wood, any type of treated lumber, paneling, wallboard, particle board, insulation, garbage, etc., cannot be open burned anywhere in Ohio. No waste materials that are hauled to another property can be open burned for disposal purposes.

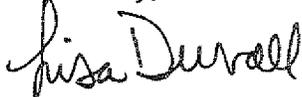
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Open burning of improper waste materials at this location is in violation of Ohio Administrative Code rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. Please read this rule carefully. If improper waste materials continue to be open burned on your property, legal action will be taken against you.

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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dave Chenault, SEDO/DSIWM