



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

July 19, 2010

Re: Guernsey County  
Open Burning  
Complaint 30001463

Mr. and Mrs. Wharton  
10325 Burt St.  
Byesville, Ohio 43723-9537

Dear Mr. and Mrs. Wharton:

I am writing this letter in response to a complaint received by this office on July 2, 2010. The complaint alleges that mattresses, tires and other solid waste materials that are hauled onto your property are being burned behind your home.

On July 14, 2010, I investigated this complaint and spoke to you, Mrs. Wharton. You told me that you did not burn a mattress, that you neighbor had put the metal from a mattress behind your home, but that you only have had "bonfires" on your property. As I explained at that time, plastics, mattresses, garbage, etc., cannot be open burned in Ohio.

You said that your property is located outside the village limits (outside of the municipal corporation boundary), but appears to be less than 1,000 feet outside the village limits based on a map of Byesville; therefore, your property is located in a restricted area, as defined in Ohio Administrative Code (OAC) rule 3745-19-01(J). In a restricted area, you cannot open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., but you may burn clean, dry fire wood for a cookout or campfire as long as the campfire is no larger than three feet wide by two feet high. Again, plastics, garbage, tires, furniture, automobile parts or any waste material that is hauled onto a property cannot be open burned anywhere in Ohio.

Open burning of improper waste materials at this location is in violation of 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 at this location, legal action may be taken against you.

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