



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

March 27, 2009

Re: Guernsey County
Open Burning
Complaint 30000793

Certified: 70073020000178821985

Mr. Fred Duniver
213 E. Spruce Ave
Byesville, Ohio 43723

Dear Mr. Duniver:

I am writing this letter in response to a report from the Cambridge Fire Department, received by this office on March 11, 2009. The report states that rubbish was open burned at 63699 N. 21st Street, in Cambridge. This is not the first time that the fire department has been called to this address for a fire. Mr. Richard Burt, who lives on the property, was not cooperative with the fire department and has threatened members of the fire department who responded to fire calls in the past. County records indicate that you are the owner of this property.

On March 19, 2009, I investigated this complaint. There did not appear to be anyone at home at the time of my investigation. Evidence of the open burning of wood, trash, garbage, plastics and other solid wastes was observed. Garbage, plastics, furniture, automobile parts, etc., cannot be open burned in Ohio. To open burn residential waste such a paper, leaves, tree trimmings, etc., the property must be in an unrestricted area and the fire must be at least 1,000 feet from the nearest neighbor. This property and the burn site do not meet either of these criteria, therefore, there can be no open burning of residential waste on this property. As the owner of this property, you can be held legally responsible for allowing the open burning in violation of State rules.

Open burning improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. I am enclosing a copy of this rule for you. If you continue to allow Mr. Burt or others to open burn improper waste materials at this location, legal action will be taken against Mr. Burt and you as the property owner.

I am requesting a written response from you, within 7 days of receipt of this letter, that includes a commitment from you to stop the open burning on your property that is in violation of OAC rule 3745-19-03, 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.

Mr. Fred Duniver
March 27, 2009
Page 2

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.

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.

Please contact me at 740-380-5217 or 1-800-686-7330 so that we can discuss this matter.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Dave Chenault, DSIWM/SEDO
cc: The Cambridge Fire Dept.