



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

November 27, 2007

Re: Guernsey County
Open Burning
Complaint 30000012

Certified: 70063450000190561676

Mr. Daniel Bodner
2056 Central Ave.
Cambridge, Ohio 43725-9311

Dear Mr. Bodner:

I am writing this letter in response to a report from the Cambridge Fire Department, received by this office on November 8, 2007. The report states you are open burned brush, furniture, tires, carpet, and other solid wastes on your property.

On November 19, 2007, I investigated this complaint. You were not home at the time of my investigation and I left my card and a pamphlet that explains Ohio's open burning rules in your back door. There were two burn areas behind your garage. Household trash and garbage had been burned on the ground in the yard. The second burn pile was in the woods. Trees had been felled and left on the ground and burned along with tires, furniture, carpet, a sweeper, and other solid wastes.

On November 20, 2007, I spoke to you by phone and explained that the burning that you had done at your home was in violation of State rules. Both burn sites need to be cleaned-up and the materials disposed of properly in a licensed landfill.

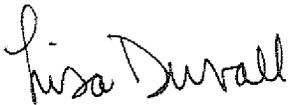
Garbage, tires, furniture, plastics, etc. cannot be burned in Ohio. To open burn residential wastes such as paper, leaves, tree trimmings, brush, etc., the burn site must be in an unrestricted area (at least 1,000 feet outside of the city limits of Cambridge) and 1,000 feet from the nearest neighbor. Your property does not meet either of these requirements. Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. I am enclosing a pamphlet that explains Ohio's open burning rules for you. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials, legal action may be taken against you.

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I am requesting a written response from you, within 30 days of receipt of this letter, that includes a commitment from you to stop open burning 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. Acceptance by 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, 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

cc: The Cambridge Fire Dept.