



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

November 9, 2007

Re: Guernsey County  
Open Burning  
Complaint 20070499

Certified: 70063450000190561591

Mr. Steve Warden  
10650 Ford Rd.  
Cambridge, Ohio 43725

Dear Mr. Warden:

I am writing this letter in response to a complaint received by this office on October 22, 2007. The complaint alleges that carpet, furniture, and other solid wastes were open burned in the yard of a vacant house on the corner of Lincoln and Oak Street, in Buffalo.

On October 31, 2007, I investigated this complaint and observed a burn pile and burn barrel in the backyard of this property. Tires, furniture, trash, tree trimmings, and other solid wastes had been burned. The trees on the property had been trimmed and were piled in the backyard on top of the burn pile. I left pamphlets that explain Ohio's open burning rules in the front door of the house and in the garage door.

The open burning of demolition or remodeling wastes, tires, plastics, carpet, furniture, etc., is not permitted in Ohio. Because this property is less than 1,000 feet from the nearest neighbor, tree trimmings, paper, leaves, cardboard, and other residential waste also cannot be open burned on this property.

On November 2, 2007, I discovered that you were the owner of this property and spoke to you by phone. You told me that you had bought the property to repair and resell. Men that you had hired to clean up the property had piled the solid wastes in the backyard and burned them. The fire department had responded to the fire and nothing had been burned since. The remaining solid wastes must be disposed of in a licensed landfill and cannot be burned on this property. You also cannot haul these materials to another property to burn them.

Open burning of this type is in violation of Ohio Administrative Code (OAC) 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. I am enclosing a copy of this rule for you. If you continue to open burn improper waste materials on this or any other property, legal action may be taken against you.

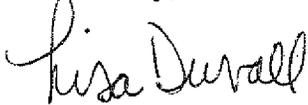
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I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining 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.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mim

Enclosure