



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 18, 2011

Re: Pike County
Open Burning
Complaint 300011727

Certified: 70101060000178960804

Chief Mike Carrico
Elm Grove Fire Department
POB 3
90 Elm Grove Hill Rd.
Piketon, Ohio 45661

Dear Chief Carrico:

I am writing this letter in response to a complaint received by this office on January 7, 2011. The complaint alleges that the Elm Grove Fire Department burned two old homes on Wynn Road, Piketon. The homes were owned by Mr. and Mrs. Scott Damico.

On January 11, 2011, I spoke to Mr. Damico. He told me that he had contacted the fire department to see if the homes could be burned and made arrangements with you to burn the homes. He was not aware that it was illegal to burn the homes and relied on the information that he was given by the fire department.

On January 11, 2011, I also spoke to you by phone in reference to this complaint. You informed me that the fire department did in fact burn both of the structures and that the burns were not used as a training exercise.

The Ohio Environmental Protection Agency (Ohio EPA) and the Ohio Department of Natural Resources have regulations that govern open burning within the State. The Ohio EPA regulations prohibit open burning for waste disposal purposes. The structures that were burned were not used for fire training purposes; therefore, the burns were for waste disposal purposes. Open burning of standing structures for waste disposal purposes at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date based on your actions in follow-up to this matter.

In the future, if you do have the need to conduct structure burns for fire training purposes, we can work with you to facilitate the training, but we will need you to submit an application for permission to open burn at least ten working days before the fire is to be set. Because the structures used for fire training are demolished after the training, and to ensure the safety of the firefighters involved in the training, an asbestos inspection of the structure must be completed and a notification of demolition submitted before the training occurs. The asbestos inspection and demolition notification are also required by Ohio EPA regulations (OAC rules 3745-20-02 and 3745-20-03).

Chief Mike Carrico
Elm Grove Fire Department
February 18, 2011
Page 2

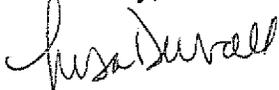
I am enclosing copies of the applicable Ohio EPA regulations for your review and future use. You may also want to review the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", as this publication contains additional information and requirements concerning firefighter training. In addition, please be aware that cities and villages within your jurisdiction may also establish local ordinances regarding open burning.

While we are primarily concerned about future fire training activities your department may conduct, please take any measures you believe are appropriate to ensure that the firefighter's turnout gear and any other fire equipment used at the Wynn Road location were not inadvertently contaminated, as the complaint we received alleged that the shingles on one of the structures did contain asbestos.

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 and a commitment to contact the Department of Natural Resources, the State Fire Marshal, and local officials to obtain a copy of the rules and laws that apply to the fire department and burning in general. As the fire chief you are responsible for obtaining and complying with all federal, State and local laws in regard to fires and burning.

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

cc: The Pike County Sheriff's Office, 116 S. Market St., Waverly, Ohio 45690