OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

November 26, 2010

Re: Pike County
Open Burning
Complaint

Certified: 70101060000178960507

Ms. Laura Swisher
514 State Route 335
Beaver, Ohio 45613

Dear Ms. Swisher:

I am writing this letter in response to a complaint received by this office on September 16, 2010. The complaint alleges that trash was being burned on this property.

On November 18, 2010, I investigated this complaint and spoke to you. During our discussion, you indicated that the house is being remodeled and you are planning to move in soon. You told me that Mr. Jack Thomas is the owner of this property and he told you to burn the materials that are generated in the cleaning up and remodeling of the home. I tried the phone number that you gave me for Mr. Thomas, but it is not a working number. In your response to this letter, please include Mr. Thomas' phone number and address so that I may contact him in regard to the open burning on this property.

Demolition and/or remodeling wastes, appliances, furniture, plastics, etc., cannot be open burned in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, etc., the property must be located in an unrestricted area (as this property is) and the burn site must be at least 1,000 feet from the nearest inhabited building located off the property. There is not an area on this property that is 1,000 feet from the nearest inhabited building; therefore, you also cannot open burn residential waste on this property.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I gave you a pamphlet that explains this rule. 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, legal action will be taken against you.

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 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.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm