



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

August 5, 2009

Re: Pike County
Open Burning
Complaint 30000992

Certified: 70063450000190558287

Mr. Roger Kirby
10 Carl Penn Road
Waverly, Ohio 45690

Dear Mr. Kirby:

I am writing this letter in response to a complaint received by this office on July 17, 2009. The complaint alleges that you open burned garbage, trash, Styrofoam and other solid wastes near 10 Carl Penn Road, on Pebble Township property. Some of the wastes were alleged to have been from your business.

On July 24, 2009, I investigated this complaint and spoke to Mr. Justin Underwood. He informed me that you own the property at 10 Carl Penn Road. The fire was behind the Pebble Township building. The property line was not clear. He told me that he thinks the fire was actually on your property, not the township property. The burn site had been cleaned up. Judging from the fire damage to the nearby tree, it appears that the fire was quite large. I gave Mr. Underwood two pamphlets that explain Ohio's open burning rules, one for himself and one for you.

The Pebble Township Fire Department report indicates that on July 9, 2009, the fire department responded to a call and found an unattended trash fire. There were also small propane cylinders in the fire.

A business cannot open burn any type of waste that is generated from the business for waste disposal purposes. This includes paper, cardboard, pallets, trash, etc. Plastics, furniture, tires, Styrofoam, garbage, propane cylinders, etc., cannot be open burned anywhere in Ohio.

Open burning improper waste materials at this location 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. If you continue to open burn improper waste materials, legal action will be taken against you.

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If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Cc: The Pebbles Fire Dept., 330 Carl Penn Road, Waverly, Ohio 45690