



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

September 17, 2010

Re: Pike County  
Open Burning  
Complaint 30001573

Mr. and Mrs. Williams  
320 State Route 335  
Stockdale, Ohio 45613

Dear Mr. and Mrs. Williams:

I am writing this letter in response to a complaint received by this office on August 27, 2010. The complaint alleges that household trash, furniture, and other solid waste materials are being burned at your home, including waste materials that have been hauled to and dumped on your property.

On September 3, 2010, I investigated this complaint and spoke to both of you. Evidence of the open burning of wood, garbage, plastics and other solid wastes was observed. As I explained at that time, any waste material that is hauled onto another property cannot be open burned in Ohio. In addition, furniture, plastics, tires, garbage, etc., cannot be open burned in Ohio. I gave you a pamphlet that explains Ohio's open burning rules (Ohio Administrative Code (OAC) Chapter 3745-19). You told me that you are getting a dumpster for your trash.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from your nearest neighbor. Because there is not a burn site location on your property that is 1,000 feet from your nearest neighbor, you cannot open burn residential waste at this location.

Open burning of improper waste materials at this location is in violation of 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.

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.

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

Sincerely,

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

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm