



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 365-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

September 8, 2009

Re: Pike County
Open Burning
Complaint 30001029

Certified: 70073020000178847565

Ms. Marsha Smith
3874 Loys Run Road
Piketon, Ohio 45661

Dear Ms. Smith:

I am writing this letter in response to a complaint received by this office on August 10, 2009. The complaint alleges that you are open burning a trailer at you home on Loys Run Road, Piketon.

On August 18, 2009, I investigated this complaint and spoke to your daughter. Evidence of a burned house trailer was observed in the front yard near the road. On August 19, 2009, I spoke to you by phone and explained that plastics, demolition wastes, garbage, etc., cannot be open burned anywhere in Ohio. Because there is no location on the property that is at least 1,000 feet from the nearest neighbors, you also cannot open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc. on this property. Your trash and residential waste must be taken to a licensed landfill.

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. I am enclosing a copy of this rule for you. 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.

Ms. Marsha Smith
September 8, 2009
Page 2

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

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

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Pike County Health District