



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

June 18, 2007

Re: Perry County
Open Burning
Complaint 20070263

Certified: 70063450000190546055

Mr. John Carter
7515 State Route 668
Logan, Ohio 43138

Dear Mr. Carter:

I am writing this letter in response to a complaint and report from the Monday Creek Fire Department received by this office on June 7, 2007. The report and a conversation with Mr. Paul Owings of the fire department indicate that trash, wood, cans, and other solid wastes were burned on your property.

In February of 2006, I met with you at your home in regard to open burning. During that inspection, I did not see evidence of open burning, but I did explain Ohio's open burning rule to you and your grandson. Because you are less than 1,000 feet from your neighbors, you cannot open burn residential wastes on this property. Residential wastes include paper, leaves, tree trimmings, etc. Automobile parts, garbage, tires, plastics, demolition debris, etc. cannot be open burned anywhere in Ohio.

Open burning of this type is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a pamphlet that explains Ohio's open burning rules for you. 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 or allow others to burn improper waste materials, legal action may be taken against you.

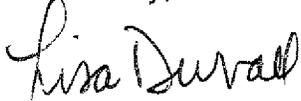
I am requesting a written response from you within 10 days of receipt of this letter that includes a commitment from you to stop open burning in violation of the requirements specified in OAC rule 3745-19-04, a plan and schedule for clean up of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

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.

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If you have any questions, please contact me at this office 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/mim

cc: The Hocking County Health District, 132 Hocking Mall, Logan, Ohio 43138