



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

September 13, 2011

Re: Washington County
Open Burning
Complaint 30002021

Certified: 70101060000178962808

Mr. Floyd Dunn
P.O. Box 471
New Matamoras, Ohio 45767-0471

Dear Mr. Dunn:

I am writing this letter in response to a complaint received by this office on August 26, 2011. The complaint alleges that tires, trash, and other solid waste materials are being burned on your property on State Route 7, on the river bank across from your son Norman's home on Dunn Lane.

On August 31, 2011, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage, clothing, shoes, and other solid waste materials was observed. I attempted to speak to you and your son, Norman, but neither of you were home at the time of my investigation. I left a business card and pamphlets on your backdoor and your son's front door that explain Ohio's open burning rules.

Plastics, garbage, tires, furniture, clothing, etc. cannot be open burned in Ohio. Residential waste such a paper, leaves, tree trimmings, etc., can be open burned in an unrestricted area on the property where they were generated if the burn site is at least 1,000 feet from the nearest neighbor's home. The burn site you were using is not 1,000 feet from the nearest neighbor's house and the materials appear to have been hauled to this property from another. Any waste materials that are hauled in from another property cannot be open burned in Ohio.

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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If open burning of improper waste materials on this property continues, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup 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.

Mr. Floyd Dunn
September 13, 2011
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 or 1-800-686-7330.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: The Washington County Health District, 342 Muskingum Dr., Marietta, Ohio 45750
cc: The New Matamoras Fire Dept., P.O. Box 488, New Matamoras, Ohio 45767