



**Environmental
Protection Agency**

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

February 4, 2011

Re: Washington County
Open Burning
Complaint 30001736

Mr. Mitchell Miller
342 Damon Rd.
Waterford, Ohio 45786-5179

Dear Mr. Miller:

I am writing this letter in response to a complaint received by this office on January 20, 2011. The complaint alleges that tire, a couch, and other waste materials are being burned on your rental properties on Francis Road, Lowell.

On January 31, 2011, I investigated this complaint and spoke to both of your tenants, Mr. Jason Green and Ms. Kelly Haines. Evidence of the open burning of household trash, plastics, garbage, and other solid waste materials was observed. As I explained to both of them, plastics, garbage, furniture, tires, etc., cannot be open burned anywhere in Ohio.

On February 1, 2011, I spoke to you by phone to make you aware of the complaint and the open burning that has occurred on your rental properties. You told me that you would tell both tenants that they cannot open burn on your property.

~~To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc.,~~ the property must be located in an unrestricted area (as your properties are) and the burn site must be at least 1,000 feet from any inhabited building not on the property. Because there is not a burn site location on these properties that is at least 1,000 feet from any inhabited building not on the properties, residential waste cannot be open burned at these locations.

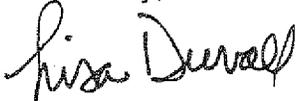
Open burning of improper waste materials at these locations is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If your tenants continue to open burn improper waste materials, legal action may be taken against them for doing the burning and you, as the property owner.

Mr. Mitchell Miller
February 4, 2011
Page 2

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 on your Francis Road properties, 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.

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

Enclosure