OhioEPA

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

November 16, 2009

Re: Washington County
Open Burning
Complaint

Certified: 70073020000178847909

Mr. and Mrs. McIntosh
1215 Browns Road
Marietta, OH 45750

Dear Mr. and Mrs. McIntosh:

I am writing this letter in response to a complaint received by this office on October 30, 2009. The complaint alleges that you have been open burning leaves in your yard.

On November 3, 2009, I investigated this complaint. I attempted to speak to you but you were not home at the time of my investigation. I left a pamphlet in your door that explains Ohio's open burning rules. Evidence of the open burning of leaves was observed down over the hill to the left of your home.

To open burn residential waste such a leaves, tree trimmings, 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 the nearest neighbor. Your burn site is not 1,000 feet from the nearest neighbor. Because there is no location on your property that is at least 1,000 feet from the nearest neighbor, you cannot open burn residential waste on this property. Open burning of leaves and tree trimmings 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 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 form 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.

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

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm