



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

March 17, 2009

Re: Washington County
Open Burning
Complaint 30000784

Mr. and Mrs. Brian Long
4736 Dixon Ridge Road
Lowell, Ohio 45744

Dear Mr. and Mrs. Long:

I am writing this letter in response to a complaint received by this office on March 6, 2009. The complaint alleges that household trash is being open burned on property you own on Dixon Ridge Road, Lowell.

On March 10, 2009, I investigated this complaint and spoke to Ms. Pritchard. She told me that she is now living on this property that she rents from you. As I explained to her, garbage, plastics, furniture, etc., cannot be open burned anywhere in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, etc., the burn site must be in an unrestricted area (which this property is) and 1,000 feet from the nearest neighbor. The burn site on this property does not appear to be 1,000 feet from your neighbors. Evidence of the open burning of garbage, cans, furniture, plastics and other solid wastes in a large pit was observed during my investigation.

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 the open burning on this property continues, legal action will be taken against you as the property owner.

I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to no longer allow open burning on your property that is 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.

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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 cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

cc: Washington County Health District