





State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 2, 2008

Re: Washington County  
Open Burning  
Complaint 30000347

Certified: 70063450000190562789

Mr. Robert Byers  
1660 Browns Road  
Marietta, Ohio 45750-9082

Dear Mr. Byers:

I am writing this letter in response to a complaint received by this office on June 14, 2008. The complaint alleges that you are open burning solid wastes at 1660 Browns Road, Marietta.

On June 25, 2008, I investigated this complaint. There was no one at 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 furniture, painted wood shutters, and other demolition wastes was observed in two areas in your backyard. I left my card at your business in Reno and asked the clerk to have you call me.

Open burning of improper waste materials where your property is located is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by fine. Furniture, demolition wastes, construction debris, painted or stained wood, plastics, etc., cannot be open burned in Ohio. Because your property is less than 1,000 feet from the nearest neighbor, you also cannot open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc. If you continue to open 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.

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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,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

cc: The Washington County Health District