





State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

November 30, 2010

Re: Washington County  
Open Burning

Certified: 70101060000178960514

Mr. Jerry Perine  
8585 Muskingum River Road  
Lowell, Ohio 45744

Dear Mr. Perine:

On November 9, 2010, while driving on State Route 60, I observed a large amount of black smoke along the river. Upon investigation, I found that you were tearing down a house trailer and burning the demolition wastes, paint cans and other solid waste materials. The fire was along the road on the river bank. As I explained at that time, demolition wastes, tar paper, paint, insulation, tires, plastics, etc., 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 maximum fine of up to \$25,000 per day per violation. I am enclosing a pamphlet with this letter that explains Ohio's open burning rules. 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 from 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 or 1-800-686-7330.

Sincerely,

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Enclosure

