

**Environmental
Protection Agency**

Edith C. Garson, Governor

Brian Schwab, Lt. Governor

David J. Bunn, Director

November 18, 2011

**RE: WAYNE COUNTY
OPEN BURNING**

Randy and Linda Roach
19163 Edwards Road
Doylestown, Ohio 44230

Dear Mr. & Mrs. Roach:

The open burning which was conducted at 19163 Edwards Road, Chippewa Twp., Ohio is in violation of Ohio's air pollution regulations and prompt action needs to be taken.

Cease Burning

Immediately cease all burning for waste disposal purposes and find an alternate means of disposal.

On November 10, 2011, this office received a complaint alleging that the burning of leaves took place at your property on November 8, 2011. On November 14, 2011, I obtained "fire incident reports" from the Chippewa Township Fire Department stating that illegal open burning of leaves had occurred at your residence on November 8, 2008, October 18, 2009 and again on November 8, 2011.

On November 16, 2011, I attempted to speak to you regarding this matter. No one was present and a copy of the Open Burning Regulations along with my business card was placed at your door.

Please be advised that OAC Rule 3745-19-04, "Open burning in unrestricted areas" states in part, "No person shall **cause** or **allow** illegal open burning." Open burning for waste disposal purposes is strictly prohibited.

Bonfires, campfires, cooking for food, pleasure, religious, ceremonial, warmth or recreational fires can be legally conducted if the following conditions are met:

- 1). *The fires are fueled with clean seasoned firewood;*
- 2). *The fires are not used for waste disposal purposes; or*
- 3). *The fires shall have a total fuel area of **three (3) feet** or less in diameter and **two (2) feet** or less in height.*

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Please be advised of OAC Rule 3745-19-06, "Open Burning Unilateral Order," which authorizes the Director to assess and collect administrative penalties of not more than two hundred-fifty dollars (**\$250.00**) per day for each separate violation of open burning. In addition, Section 3704.06, of the Ohio Revised Code, authorizes the Attorney General to seek penalties of up to twenty-five thousand dollars (\$25,000) for conviction of violating the Open Burning Regulations. Each day's violation, after a conviction, constitutes a separate offense and will be subject to the penalties as mentioned above.

Finally, be aware that this letter in no way waives the right of the Ohio EPA to pursue additional enforcement action. If further violations are reported to this office, we will have no alternative than to refer this matter to our legal staff in Columbus for appropriate action. We hope that voluntary compliance will be forthcoming and that this action will not be necessary.

If you have any questions, please contact me at (330) 963-1209.

Sincerely,



Frank Elchesen
District Representative
Division of Air Pollution Control

FE:bo

pc: Chippewa Twp. Fire Dept.

ec: Kristopher Weiss, OEPA, CO, PIC
Bob Princic, OEPA, NEDO, DAPC