



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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

May 13, 2010

RE: WAYNE COUNTY  
OPEN BURNING

CERTIFIED MAIL

Mr. Gregory Deusenberry  
38 West Schultz Street  
Dalton, OH 44618

Dear Mr. Deusenberry:

The open burning which you are conducting at 38 West Schultz Street, Dalton, 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 May 10, 2010, this office received an incident report from the Dalton Police Department stating that illegal open burning had occurred at 38 West Schultz Street, Dalton, Ohio the week of April 2, 2010. Open burning for waste disposal purposes is strictly prohibited.

Therefore, you are hereby being notified that the open burning which took place on your property was in violation of OAC Rule 3745-19-04, "Open burning in unrestricted areas" that states in part, "No person shall **cause** or **allow** illegal open burning."

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: Dalton Police Department  
Bob Prinic, Ohio EPA, NEDO, DAPC