OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

May 20, 2010

RE: HOLMES COUNTY
OPEN BURNING

CERTIFIED MAIL

Mr. Lee Jackson
8740 SR 83
Holmesville, OH 44633

Ms. Lynette Green
7818 TR 562
Holmesville, OH 44633

Dear Ms. Green and Mr. Jackson:

The open burning which was conducted at 8740 SR 83, Holmesville, 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 19, 2010, this office received a "fire incident report" from the Prairie Twp. Fire Department stating that illegal open burning had occurred at 8740 SR 83, Holmesville, Ohio on May 10, 2010. The burning consisted of grass, wood and tires. Open burning for waste disposal purposes is strictly prohibited.

Therefore, you are hereby being notified that the open burning which took place on May 10, 2010, is a 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." Ms. Green, as property owner, is also subject to the penalties below.

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,

Bob Princic for

Frank Elchesen
District Representative
Division of Air Pollution Control

FE:bo

pc: Prairie Twp. Vol. Fire Dept.
Bob Princic, Ohio EPA, NEDO, DAPC