



**Environmental  
Protection Agency**

John Kasich, Governor  
Glenn Rhea, Lt. Governor  
Scott L. Smith, Director

July 12, 2012

RE: LORAIN COUNTY  
OPEN BURNING

**CERTIFIED WARNING LETTER**

Mr. Charles Hershberger  
44198 Oberlin Elyria Road  
Oberlin, Ohio 44074

Dear Mr. Hershberger:

The open burning which was conducted at 44198 Oberlin Elyria Road, Oberlin, 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 July 3, 2012, this office received a "fire incident report" from the Oberlin Fire Department stating that illegal open burning had occurred at your residence on July 2, 2012.

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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; and*
- 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.*

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.

MR. CHARLES HERSHBERGER  
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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: Chief Dennis Kirin, Oberlin Fire Department

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