



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 6, 2012

Re: Belmont County
Open Burning
Complaint 30002260

Mr. Rick and Ms. Karen Parks
73165 Crescent Road
St. Clairsville, Ohio 43950

Dear Mr. and Ms. Parks:

I am writing this letter in response to a complaint received by this office on March 14, 2012. The complaint alleges that household trash, garbage, furniture and other waste materials are being burned at 72863 Crescent Road, St. Clairsville. The Belmont County Auditor site lists you as the owners of this property.

On March 12, 2012, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage, a mattress, furniture and other solid waste materials was observed. I spoke to Megan Parks who happened to be at a nearby property and left a pamphlet that explains Ohio's open burning rules with her.

Plastics, demolition or construction waste materials, garbage, furniture or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as this property is) and the burn site must be at least 1,000 feet from any inhabited building not on the property. Because there is not a burn site location on this property that is at least 1,000 feet from any inhabited building not on the property, residential waste cannot be open burned at this location.

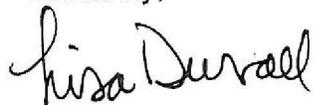
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials, legal action will be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid waste materials, 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.

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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Cc: Bruce Weinberg-DAPC