Environmental Protection Agency
John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

April 2, 2012

Re: Belmont County
Open Burning
Complaint 30002260

Resident
72863 Crescent Road
St. Clairsville, Ohio 43950

Dear Resident:

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 burned at 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.

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 <u>at least 1,000 feet</u> 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, <u>residential waste cannot be open burned at this location</u>.

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. 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.

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

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740 | 385 6490 (fax)
www.epa.ohio.gov

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

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Cc: Bruce Weinberg-DAPC