



**Environmental  
Protection Agency**

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

May 17, 2012

Re: Guernsey County  
Open Burning  
Complaint 30002335

Mr. and Mrs. Adam Spencer  
219 Church Street  
Cumberland, Ohio 43732

Dear Mr. and Mrs. Spencer:

I am writing this letter in response to a complaint received by this office April 27, 2012. The complaint alleges that you burn railroad ties at your home.

On May 9, 2012, I investigated this complaint and spoke to you, Mrs. Spencer. Evidence of the open burning of wood, trash, plastics, household garbage and other solid waste materials was observed. As I explained at that time, plastics, garbage, furniture, railroad ties etc. cannot be open burned anywhere in Ohio.

Because your property is located in a restricted area (inside the village limits) you cannot open burn residential wastes on this property. Residential wastes include paper, leaves, straw, tree trimmings, grass clippings, cardboard, etc.

You are permitted to have a cookout or campfire using clean, seasoned firewood if the fire is not more than two feet in height and not more than three feet in diameter. The fire must be put out when the cookout/campfire is over and cannot be left unattended.

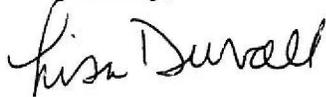
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a fine. I gave you a pamphlet that explains this rule. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action may 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 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: The Cumberland Fire Dept., P.O. Box 235, Cumberland, Ohio 43732