



**Environmental
Protection Agency**

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

June 17, 2011

Re: Muskingum County
Open Burning
Complaint 30001920

Mr. and Mrs. Allan Maxwell
5375 Center Rd.
Philo, Ohio 43771-9732

Dear Mr. and Mrs. Maxwell:

I am writing this letter in response to a complaint received by this office on June 8, 2011. The complaint alleges that you burn trash in a barrel at your home.

On June 8, 2011, I investigated this complaint. Evidence of the open burning of wood, trash, plastics (melted plastic on the side of the barrel and on the rocks under the barrel), and other solid waste materials was observed in the barrel behind your garage. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card and a pamphlet in your door that explains Ohio's open burning rules.

On June 10, 2011, I received your message, Mr. Maxwell, and returned your call. I also spoke to you, Mrs. Maxwell, and explained why I left the pamphlet in your door. You told me that many others in your neighborhood burn.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. Because there is not a burn site location on your property that is at least 1,000 feet from any inhabited building not on your property, you cannot open burn residential waste at this location. Plastics and garbage cannot be open burned anywhere 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 affine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop. If you continue to open burn improper waste materials, legal action may be taken against you.

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

Sincerely,

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm