



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

November 5, 2007

Re: Muskingum County  
Open Burning  
Complaint 20070508

Certified: 70063450000190561560

Mr. and Mrs. Albert Kozusko  
6571 Borr Road  
Reynoldsburg, Ohio 43068-1646

Dear Mr. and Mrs. Kozusko:

I am writing this letter in response to a report from the Washington Twp. Fire Department, received by this office on October 26, 2007. The report states that demolition debris from a house that had recently been torn down was being burned. You are the owners of this property and the house.

On November 1, 2007, I investigated this complaint. The area where the burning had occurred has been recently excavated and covered with dirt. Some burned materials and ash were observed on the ground near the excavation site. I contacted Chief Hanning of the Washington Twp. Fire Department and was told that Mr. Mike Nighthawk, Mrs. Kozusko's father, had helped arrange the demolition of the house and the clean up. He had been found by the fire chief burning again on the property after the initial fire call.

On November 1, 2007, I spoke to both you, Mr. Kozusko, and Mr. Nighthawk in reference to this fire. Demolition debris cannot be open burned in Ohio. To open burn residential wastes such as paper, leaves, cardboard, tree trimmings, etc., someone must be living on the property, the property must be located in an unrestricted area, and the fire must be at least 1,000 feet from the nearest neighbor. Since there is no home on the property and there is no location 1,000 feet from the nearest neighbor, residential waste cannot be open burned.

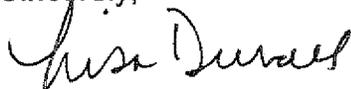
Open burning demolition wastes or other improper waste materials is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a maximum fine of up to \$25,000 per day per violation. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to allow the open burning of improper waste materials on this or any other property, legal action may be taken against you.

Mr. and Mrs. Albert Kozusko  
November 5, 2007  
Page 2

I am requesting a written response from you, within 14 days of receipt of this letter, that includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04 and documentation that demonstrates where the demolition debris and usable wood recovered from the house were taken. Landfill receipts for the materials that were disposed of in the landfill must also be included. The Ohio EPA has the 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.

If you have any questions, please contact me at 740-380-5217.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm