



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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[www.epa.state.oh.us](http://www.epa.state.oh.us)

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

March 2, 2009

Re: Muskingum County  
Open Burning  
Complaint 30000720

Certified: 70073020000178821381

Ms. Mary Beth Curtis  
100 Hale Road  
Zanesville, Ohio 43701

Dear Ms. Curtis:

I am writing this letter in response to a fire report from the Frazeyburg Fire Department, received by this office on December 29, 2008. The report states that a house was set on fire at 9955 Shannon Road, Frazeyburg. Your name was given as the owner of this property.

On December 30, 2008, I investigated this complaint. The fire was still smoldering and there was no one on site at the time of my investigation. I left a pamphlet that explains Ohio's open burning rules and my card on the trackhoe next to the burn site.

I left phone messages for you in January but did not hear back from you. I spoke to you by phone on February 2, 2009 and informed you that it is illegal to open burn houses for disposal purposes. You told me that your son's company had taken the house down for you and you suggested that I speak to him in regard to the situation. I later spoke to your son, Mr. Ben Curtis, and Mr. David Kendrick in regard to the fire. Mr. Curtis told me that he was out of state when the fire occurred and referred me to Mr. Kendrick. Mr. Kendrick denied setting the house on fire. He stated that it must have caught fire after he left. Upon further investigation, I found area residents that stated that two men were on site when the fire started, and the men tended the fire throughout the day. The house had burned for eight or nine hours before the fire department was requested to respond to a fire call.

The open burning of houses, demolition debris, construction wastes, etc., is not permitted in Ohio. Open burning of this type 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. I am enclosing a copy of this rule for you.

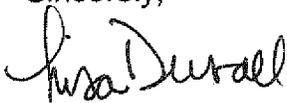
This matter is being referred to the legal division of the Ohio EPA, Division of Air Pollution Control, Enforcement Section for further action.

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A copy of this letter is being forwarded to Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). The information in this letter will be evaluated by DSIWM and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

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

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/mlm

Enclosure

cc: Dave Chenault, DSIWM/SEDO