



**Environmental
Protection Agency**

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

June 3, 2011

Re: Muskingum County
Open Burning
Complaint 30001876

Certified: 70101060000178962440

Mr. Justin Soller
6255 Virginia Road
Nashport, Ohio 43830

Dear Mr. Soller:

I am writing this letter in response to a complaint received by this office on May 10, 2011. The complaint alleges that you burned a couch and chair in your backyard.

On May 17, 2011, I investigated this complaint and spoke to you. I checked the burn pile in your backyard. The charred frame from a couch or love seat with unburned upholstery on the corner was clearly visible among the ashes. Unburned shelving was piled next to the burn site. At that time, I explained to you that you cannot open burn treated, painted or varnished wood.

In July of 2009, I investigated a similar complaint of open burning at your home. I previously informed you in person and by letter (dated August 5, 2009) that you were not permitted to open burn trash or residential waste on this property.

Furniture and treated or painted wood 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. I am enclosing a copy of this rule for you. 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 wastes, 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. Penalties will be assessed for each fire that is documented.

Mr. Justin Soller
June 2, 2011
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A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM 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 or 1-800-686-7330.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure