



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

April 6, 2010

Re: Ross County
Open Burning
Complaint 30001308

Certified: 70063450000190558676

Mrs. Hurtt
2070 Brown Chapel Road
Clarksburg, OH 43115

Dear Mrs. Hurtt:

I am writing this letter in response to a report of open burning observed by Mr. Mike Sherron of the Ohio EPA's Southeast District Office. On March 20, 2010, Mr. Sherron observed a large plume of smoke while on Bushmill Road. Upon investigation, he found a large, unattended fire at 2070 Brown Chapel Road, Clarksburg. Tin roofing, a metal frame from a mattress or box springs, aerosol cans, a lamp, shoes, asphalt shingles, vinyl siding, buckets, tires, construction and demolition wastes, appliances, and other household trash were being burned. While he was on site, Mr. Richard Hurtt approached on a tractor loaded with more waste materials and dumped those materials on the fire before using the tractor to bury the fire with dirt.

Tires, appliances, shingles, furniture, plastics, carpet, rugs, vinyl siding, clothing, demolition wastes and construction wastes 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 a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. I am enclosing a copy of our open burning regulations for your information and review. If you continue to allow open burning of improper waste materials on this property or any other property that you own, legal action will be taken against you as the property owner.

Mr. Hurtt asked Mr. Sherron what types of materials could be open burned. Residential and agricultural wastes may be open burned on the property where the wastes are generated if the property is in an unrestricted area (as this property is) and the burn site is at least 1,000 feet from the nearest inhabited building not located on the property. Residential and agricultural waste includes paper, leaves, tree trimmings, cardboard, crop residues, etc. Buildings, standing or demolished, are not residential or agricultural waste. Please see OAC rule 3745-19-01 for the complete definitions of agricultural and residential waste.

On April 1, 2010, I conducted a follow-up investigation of this incident. No one would answer the door at the 2070 Brown Chapel Road address. The burn site appears to have been covered with dirt and seeded. I left a pamphlet with Mr. Hurtt's son at 915 Betts Lane that explains Ohio's open burning rules with my phone number.

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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.

Please contact me at 740-380-5217 or 1-800-686-7330 so that we can discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "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, SEDO-DSIWM