



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Ashland County
Open Burning Complaint
Notice of Violation

October 21, 2008

Certified Mail 7007 2560 0000 4485 5829

Ms. Helen Stephenson
70 County Road 281
Sullivan, Ohio 44880

Dear Ms. Stephenson:

On October 1, 2008 this office received a complaint concerning open burning of brush and small trees being conducted on your property within 1,000 ft. of your neighbors' homes. The complaint was investigated by me on October 2, 2008. The investigation showed that you have been burning brush and small trees on your property. An unburned brush pile was seen on top of a 12 ft. x 12 ft. ash pile and was within 1,000 ft. of your neighbors' homes. Please understand that burning anything for disposal within 1,000 ft. of your neighbors' homes is not allowed anywhere in the State of Ohio.

Based on my findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of OAC Rule 3745-19-04(A): "No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (C) of this rule or in section 3704.11 of the revised code." Open burning as conducted by you is not provided for in these rules. A copy of the OAC rules pertaining to open burning has been enclosed for your review.

Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur. Your response should be received by this agency no later than November 4, 2008.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

If you have any questions concerning this letter or the regulations, please contact me at (419) 373-3120 or via email at joe.grob@epa.state.oh.us.

Sincerely,

Joseph L. Grob
Environmental Specialist III
Division of Air Pollution Control

/cs

Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Ashland County Health Department
ec: Joe Grob, DAPC, NWDO















