



**Environmental
Protection Agency**

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

June 8, 2012

Re: Belmont County
Open Burning
Complaint 30002367

Mr. George Edgar and Ms. Gloria Layton
47130 Church St.
St. Clairsville, Ohio 43950

Dear Mr. Edgar and Ms. Layton:

I am writing this letter in response to a complaint received by this office on May 14, 2012. The complaint alleges that you burn household trash at your home.

On May 31, 2012 I investigated this complaint. Evidence of the open burning of paper, plastics, trash, household garbage and other solid waste materials was observed in a barrel. As I explained Ms. Layton, plastics and garbage cannot be open burned anywhere in Ohio.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. Because there is not a burn site location on your property that is at least 1,000 feet from any inhabited building not on your property, you cannot open burn residential waste at this location.

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 pamphlet that explains 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 at this location or any other location in Ohio, legal action may be taken against you.

Please provide a written response, 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 waste materials, and a copy of the landfill receipt as proof of proper disposal. Acceptance by 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.

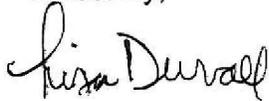
Southeast District Office
2195 Front Street
Logan, OH 43138-8637

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740 | 385 6490 (fax)
www.epa.ohio.gov

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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 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/cs

Enclosure

cc: Bruce Weinberg-DAPC