

Environmental  
Protection Agency

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

August 30, 2012

RE: CARROLL COUNTY  
OPEN BURNING

Kevin Lee Ray  
3133 Apollo Road SW  
Carrollton, Ohio 44615

CERTIFIED WARNING LETTER

Dear Mr. Ray:

The alleged open burning, which was conducted at 3133 Apollo Road SW, Carrollton, Ohio, would be in violation of Ohio's air pollution regulations and prompt action needs to be taken.

Cease Burning

Immediately cease all burning for waste disposal purposes and find an alternate means of disposal.

On August 20, 2012, this office received a complaint alleging that the open burning of tires takes place at your property on a "daily" basis, continuing since the summer of 2011.

On August 23, 2012, I visited the property for an inspection. No one was present at that time to speak with regarding this matter.

Please be advised that OAC Rule 3745-19-04, "Open burning in unrestricted areas" states in part, "No person shall **cause** or **allow** illegal open burning." Open burning for waste disposal purposes is strictly prohibited.

Bonfires, campfires, cooking for food, pleasure, religious, ceremonial, warmth, or recreational fires can be legally conducted if the following conditions are met:

- 1). *The fires are fueled with clean seasoned firewood;*
- 2). *The fires are not used for waste disposal purposes; or*
- 3). *The fires shall have a total fuel area of **three (3) feet** or less in diameter and **two (2) feet** or less in height.*

Please be advised of OAC Rule 3745-19-06, "Open Burning Unilateral Order", which authorizes the Director to assess and collect administrative penalties of not more than two hundred-fifty dollars (**\$250.00**) per day for each separate violation of open burning. In addition, Section 3704.06, of the Ohio Revised Code, authorizes the Attorney General to seek penalties of up to twenty-five thousand dollars (\$25,000) for conviction of violating the Open Burning Regulations. Every violation, after a conviction, constitutes a separate offense and will be subject to the penalties as mentioned above.

Finally, be aware that this letter in no way waives the right of the Ohio EPA to pursue additional enforcement action. If further violations are reported to this office, we will have no alternative than to refer this matter to our legal staff in Columbus for appropriate action. We hope that voluntary compliance will be forthcoming and that this action will not be necessary.

If you have any questions, please contact me at (330) 963-1223.

Sincerely,

Christopher G. Williams  
District Representative  
Division of Air Pollution Control

cc: Bob Prinic, Ohio EPA, NEDO, DAPC

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