



**Environmental
Protection Agency**

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

August 24, 2012

Re: Jackson County
Open Burning
Complaint 30002470

Certified: 70102780000197044633

The Mckinniss Living Trust
P.O. Box 436
Coalton, Ohio 45621

Dear Mckinniss Living Trust:

I am writing this letter in response to a complaint received by this office July 23, 2012. The complaint alleges that Mr. Williams who lives on this property on Grimsley Poor Road, Jackson, Ohio is burning tires, televisions and other solid wastes on the property.

On August 14, 2012, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage, a computer and other solid waste materials was observed to the right of the home.

Plastics, tires, demolition or construction waste materials, garbage, furniture, computers or any type of waste material that is hauled to a property from another location cannot be open burned 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, residential wastes also cannot be burned 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 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 improper waste materials continue to be burned at this location, legal action may be taken against the Mckinniss Living Trust.

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

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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.

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/cs

Enclosure