



**Environmental
Protection Agency**

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

August 9, 2012

Re: Guernsey County
Open Burning
Complaint 30002465

Mr. Bill Harris and Ms. Rhonda Lovejoy
349 N. Cambridge Street
Cumberland, Ohio 43732

Dear Mr. Harris and Ms. Lovejoy:

I am writing this letter in response to a complaint received by this office July 20, 2012. The complaint alleges that on July 15, 2012, you had a cookout fire that was larger than permitted and on July 16, 2012, trash, plastics, foam rubber, garbage, vinyl siding, wood and other wastes were burned at your home.

On August 1, 2012, I investigated this complaint and spoke to your sons Tanner and Zach. Evidence of the open burning of wood, trash, plastics, household garbage and other solid waste materials was observed. Plastics bags, a Clorox bottle, pop cartons, boxes and other unburned wastes were piled on top of the burn pile. As I explained at that time, plastics, garbage, furniture, etc. cannot be open burned anywhere in Ohio. I left my business card and a pamphlet that explains Ohio's open burning rules.

Also, because your property is located in a restricted area, you cannot open burn residential waste at this location. Residential wastes include paper, leaves, tree trimmings, cardboard, etc.

You are permitted to have a cookout or campfire using clean, seasoned firewood if the fire is **not more than two feet in height and not more than three feet in diameter**. The fire must be put out when the cookout/campfire is over and cannot be left unattended.

Having a campfire that is larger than two feet in height and three feet in diameter and the open burning of improper waste materials at this location are both in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and both are punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-03 must stop immediately. If you continue to open burn improper waste materials at this location or if your campfire is larger than permitted, 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 3745-19-03, 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

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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.

A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). 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

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, appearing to read "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

cc: DMWM