



**Environmental
Protection Agency**

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

September 18, 2012

Re: Harrison County
Open Burning
Complaint 30002499

Mr. Ken Feister
78771 Hamilton Ridge Road
Freeport, Ohio 43973

Dear Mr. Feister:

I am writing this letter in response to a complaint received by this office August 15, 2012. The complaint alleges that you burn tires and trash at your home.

On August 28, 2012, I investigated this complaint. There are two burn piles in your front yard. Evidence of the open burning of wood, trash, plastics, household garbage and other solid waste materials was observed. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card and a pamphlet that explains Ohio's open burning rules, at your residence.

Plastics, tires, demolition or construction waste materials, garbage, 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 this property is) and the burn site must be at least 1,000 feet from any inhabited building not on the property. Because there is not a burn site location on the 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.

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.

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. 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.

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

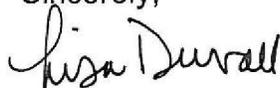
740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

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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.

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" and "D".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs