



**Environmental  
Protection Agency**

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

September 18, 2012

Re: Meigs County  
Open Burning  
Complaint 30002497

**Certified: 70102780000197061517**

Mr. Dale Taylor  
P.O. Box 383  
Middleport, Ohio 45760

Dear Mr. Taylor:

I am writing this letter in response to a complaint received by this office August 12, 2012. The complaint alleges that you clean out homes that have been foreclosed on and haul the wastes to your property on Union Avenue, Pomeroy to burn.

On August 16<sup>th</sup> and August 29, 2012, I investigated this complaint. Evidence of the open burning of wood, demolition wastes, plastic, trash and other solid waste materials was observed. I left a pamphlet in the cup holder of the folding chair near the burn site that explains Ohio's open burning rules at the burn location.

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 your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. If 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.

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. 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.

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

740 | 385 8501  
740 | 385 6490 (fax)  
[www.epa.ohio.gov](http://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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department 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,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Enclosure

cc: The Meigs County Health District