



**Environmental
Protection Agency**

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

October 12, 2011

Re: Hocking County
Open Burning
Complaint 30002067

Certified: 70101060000178963249

Mr. and Mrs. Layman
12354 Burton Hill Road
New Straitsville, Ohio 43766

Dear Mr. and Mrs. Layman:

I am writing this letter in response to a complaint received by this office on September 26, 2011. The complaint alleges that furniture, insulation, tires, appliances, garbage and other waste materials are being burned on your property. Some of the waste materials have been reported to have been hauled to your property and dumped by others.

On October 3, 2011, I investigated this complaint. There are several burn sites across from your home and several piles of unburned solid waste materials that have been dumped on your property. Evidence of the open burning of wood, trash, plastics, household garbage, plastic-coated copper wire, tires, mattresses, tree trimmings 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 in your door that explains Ohio's open burning rules.

I received a voice mail from you, Mrs. Layman. You stated that "Allen" had dumped some materials on your land and you gave me his phone number. I have called you back several times, but you did not answer. As the owner of the property, you are responsible for the dumping of solid waste materials and the open burning on your property.

Plastics, insulation, garbage, tires, furniture, demolition or construction waste materials, plastic-coated copper wire, or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. 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, legal action will be taken against you.

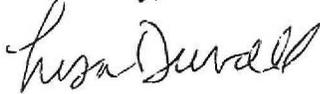
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I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid wastes, and a copy of the landfill receipt as proof of proper disposal. Acceptance by the 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/mlm

Cc: The Hocking County Health District, 31620 Chieftain Dr., Logan, Ohio 43138