



**Environmental
Protection Agency**

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

November 28, 2011

Re: Washington County
Open Burning
Complaint 30002107

Certified: 70101060000178963430

Mr. Bibee
311 Main Street
Waterford, Ohio 45786

Dear Mr. Bibee:

I am writing this letter in response to a complaint received by this office on October 26, 2011. The complaint alleges that demolition waste materials from a house that you and Mr. and Mrs. Doak own at 285 Main Street, Waterford are being burned.

On November 1, 2011, I investigated this complaint and spoke to Mrs. Doak. Evidence of the open burning of wood waste materials was observed behind the house. As I explained to Mrs. Doak at that time, demolition waste materials of any kind cannot be open burned anywhere in Ohio. I left you a pamphlet that explains Ohio's open burning rules.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-03 and is punishable by a maximum fine of up to \$25,000 per day per violation. 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, legal action will be taken against you.

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 3745-19-03, 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.

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