Environmental Protection Agency

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

December 14, 2011

Re: Athens County
Open Burning
Complaint 30002137

Certified: 70101060000178963591

Mr. Jeremy Mash
208 Edward St.
Nelsonville, Ohio 45764

Dear Mr. Mash:

I am writing this letter in response to a complaint received by this office on November 21, 2011. The complaint alleges that trash is being burned by renters on property you own at 5438 Happy Hollow Road, Nelsonville.

On December 2, 2011, I investigated this complaint. There was no one at the Happy Hollow Road property at the time of my investigation. Evidence of the open burning of wood, trash, plastics, a rug, household garbage, furniture and other solid waste materials was observed. I left a pamphlet in the door that explains Ohio's open burning rules.

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. Because 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, residential waste cannot be open burned at this location. Plastics, furniture, garbage, tires, plastic-coated copper wire, automobile parts, etc. cannot be open burned anywhere in Ohio.

Open burning 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 improper waste materials continue to be open burned on this property, legal action may be taken against you as the property owner.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop the open burning in violation of OAC rule 3745-19-04 at this location, 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 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.

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

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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure

Cc: Bruce Weinberg, SEDO-DAPC