



**Environmental
Protection Agency**

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

December 6, 2011

Re: Muskingum County
Open Burning
Complaint 30002149

Certified: 70101060000178963553

Mr. Rusty Jordan
1660 South Cove Lane
Norwich, Ohio 43767-9767

Dear Mr. Jordan:

I am writing this letter in response to a complaint received by this office on November 28, 2011. The complaint alleges that you burned unknown materials in the barrel behind your garage causing black smoke to be emitted for several hours.

On November 30, 2011, I investigated this complaint and spoke to the woman who was at the house. Evidence of the open burning of household garbage, trash, pillows, electronics of some type and other solid waste materials was observed in two burn barrels behind your garage. One of the barrels was three-quarters full of ash. There were several metal square pieces in the burn barrels. I left you a phone message, but have not received a return call from you.

Plastics, garbage, furniture, pillows, electronics, motor parts, etc. cannot be open burned anywhere 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. The burn site behind your garage is not 1,000 feet from any inhabited building not on your property; therefore, you cannot open burn residential waste at this location.

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 left a pamphlet that explains this rule for you at your home. 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 may 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 3745-19-04, 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.

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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,

A handwritten signature in cursive script, appearing to read "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Cc: Bruce Weinberg, DAPC/SEDO