



**Environmental
Protection Agency**

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

December 14, 2011

Re: Muskingum County
Open Burning
Complaint 30002153

Certified: 70101060000178963584

Mr. Ronald Welch and Ms. Erin Welch
1757 Long Hill Dr.
Zanesville, Ohio 43701

Dear Mr. and Ms. Welch:

I am writing this letter in response to a complaint received by this office on December 2, 2011. The complaint alleges that household trash, garbage, and other waste materials are being burned at 6700 Center Road, Philo. The complaint also indicates that when the burn pile is cleaned up that the ash and unburned waste materials are dumped in the creek. You are listed as the owners of this property at the Muskingum County Auditor's Office.

On December 7, 2011, I investigated this complaint. Evidence of the open burning of household trash, plastics, garbage, and other solid waste materials was observed. The pile was quite large. I attempted to contact the residents at this property, but they were not home at the time of my investigation. I left my business card and 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. Plastics, garbage, furniture, tires, etc. cannot be open burned anywhere in Ohio.

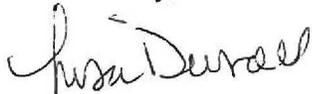
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a pamphlet that explains this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of improper waste materials continues, legal action may be taken against you, as the property owners.

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 on your property, 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.

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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

Enclosure

Cc: Bruce Weinberg, SEDO-DAPC