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

December 6, 2011

Re: Athens County
Open Burning
Complaint 30002137

Certified: 70101060000178963522

Resident
5438 Happy Hollow Road
Nelsonville, Ohio 45764

Dear Resident:

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 at 5438 Happy Hollow Road, Nelsonville.

On December 2, 2011, I investigated this complaint. There was no one home 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 burned at this location. Plastics, furniture, garbage, tires, plastic-coated copper wire, automobile parts, 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. 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 burned on this property, 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.

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

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

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

cc: Bruce Weinberg, DAPC/SEDO