



**Environmental  
Protection Agency**

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

March 7, 2012

Re: Washington County  
Open Burning  
Complaint 30002229

Mr. and Mrs. Paul Muntz  
15 Julian Street  
Newport, Ohio 45768

Dear Mr. and Mrs. Muntz:

I am writing this letter in response to a complaint received by this office on February 27, 2012. The complaint alleges that wood and tree branches were burned in your backyard on February 26, 2012.

On February 29, 2012, I investigated this complaint. A large pile of ashes was observed in your backyard near a shed. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card in your front door.

Two previous complaints of open burning were received by this office in January and November of 2009. I left my business card and a pamphlet that explains Ohio's open burning rules with a young man at your home in response to the January complaint. I spoke to you, Mrs. Muntz, in regard to the November complaint. At that time, you informed me that you would haul out the leaves and stop burning.

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, 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 am enclosing a copy of this rule for you. 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 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 3745-19-04. Acceptance by the Ohio EPA of a commitment 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.

Mr. and Mrs. Muntz  
Julian Street, Newport  
March 7, 2012  
Page 2

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 that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Enclosure

Cc: Bruce Weinberg-DAPC