



**Environmental  
Protection Agency**

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

February 1, 2012

Re: Hocking County  
Open Burning  
Complaint 30002189

Certified: 70101060000178964239

Mr. and Mrs. Sam Weaver  
39200 Maysville Greendale Road  
Logan, Ohio 43138

Dear Mr. and Mrs. Weaver:

I am writing this letter in response to a complaint received by this office on December 11, 2012. The complaint alleges that you are burning waste materials from your construction business.

On January 24, 2012, I investigated this complaint and spoke to you, Mrs. Weaver. Evidence of the open burning of scrap lumber was observed across the road from your home near the barn. It appears that truckloads of scrap lumber have been hauled to and dumped on this property. As I explained at that time, a business cannot open burn any materials for waste disposal purposes. In addition, without authorization from the Director of the Ohio EPA, waste materials that are hauled to another property 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 gave you 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 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 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.

A copy of this letter is being forwarded to the local health department. The information within this letter can be evaluated by local health department and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

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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  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Cc: Bruce Weinberg-DAPC

Cc: The Hocking County Health District, 31620 Chieftain Dr., Logan, Ohio 43138