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

February 9, 2012

Re: Hocking County
Open Burning
Complaint 30002198

Mr. T.J. Varney
7781 Bear Run Road
Logan, Ohio 43138

Dear Mr. Varney:

I am writing this letter in response to a complaint received by this office on January 27, 2012. The complaint alleges that you burned tires on your property on Bear Run Road, Logan.

The Marion Township Fire Department fire report, received by this office on January 30, 2012, indicates that you were burning five to ten tires on January 24, 2012. Chief Pritsel requested that you put the fire out and you complied.

Tires, automobile parts, plastics, plastic-coated copper wire, garbage, etc. cannot be open burned 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 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, 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.

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/cs

Enclosure

Cc: Bruce Weinberg-DAPC
Cc: The Hocking County Health District, 132 Hocking Mall, Logan, Ohio 43138
Cc: The Marion Twp. Fire Dept., 30737 Logan-Hornsmill Rd., Logan, Ohio 43138