



**Environmental
Protection Agency**

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

January 10, 2012

**Re: Athens County
Open Burning
Complaint 30002159**

Mr. and Mrs. Jamie Oaks
5368 Happy Hollow Road
Nelsonville, Ohio 45764-9563

Dear Mr. and Mrs. Oaks:

I am writing this letter in response to a complaint received by this office on December 5, 2011. The complaint alleges that materials are being burned at your property that creates a rubbery smell.

On December 22, 2011, I investigated this complaint and spoke to you, Mrs. Oaks. Evidence of the open burning of household trash, plastics and garbage was observed in the backyard.

On December 20, 2010, I investigated a previous complaint of open burning at your home. At that time, I found that you were open burning furniture, wood, electric motors and other waste materials. You were contacted by letter dated January 3, 2011 and made aware of the open burning violation.

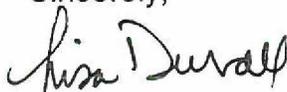
To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as your property is) and the burn site must be at least 1,000 feet from any inhabited building not on your property. Because there is not a burn site location on 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.

Plastics and garbage 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 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. I will wait for your response to this letter before a decision to pursue legal action is made.

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/dh

Enclosure

cc: Bruce Weinberg, SEDO, DAPC