



## PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES  
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156 Fax (740) 353-3638

November 19, 2012

### CERTIFIED MAIL

Mr. and Mrs. Ronald Burdine  
11557 SR 774  
Bethel, Ohio 45106

Re: Notice of Violation – repeated open burning

Dear Mr. & Mrs. Burdine:

On October 23, 2012 this office was in receipt of a citizen complaint of alleged open burning of the remains of a partially burnt barn along with other materials at your residence located at 11557 SR 774, in Bethel, Brown County. An investigator from this office found the complaint of the burning of the remains of a garage at your residence to be valid. A fire report provided by the Hamersville Fire Department confirmed the original garage fire took place on August 3, 2012.

On November 5, 2012, our office was in receipt of a letter from Trina Burdine which explained the circumstances of the October 23, 2012 incident. Per the letter, you stated our agent instructed you and your husband further of the open burning regulations. Your letter further stated "we are aware of the laws now and I can promise beyond a shadow of a doubt that there will not be any more fires of any sort on the property." However, on November 10, 2012, our office and the Hamersville Sheriff and fire departments were in receipt of a citizen complaint of the burning of leaves and cardboard on your property. Deputy Hubbard of the Brown County Solid Waste Authority once again instructed you of the requirements of the Open Burning Regulations.

In accordance with Ohio Administrative Code (OAC) rule 3745-19-04(B)(3), Open Burning shall be allowed for the purpose of disposal of residential waste or agricultural waste generated on the premises only if the fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises. The open burning of leaves, regardless if burned in a fire pit, which took place on your property on November 10, 2012, was not located greater than 1,000 feet from any other residence. I have attached a copy of the open burning informational pamphlet for reference.

Our office has previously issued you a Notice of Violation letter on April 21, 2010 in response to citizen complaints filed on January 10, 2010 and April 12 & 16, 2010 for open burning of carpet remnants along with other materials which had taken place at your residence located at 11557 SR 774, Bethel, Ohio.

Mr. & Mrs. Ronald Burdine  
November 19, 2012  
Page 2

Pursuant to Ohio Administrative Code (OAC) rule 3745-19-04, Open Burning in Unrestricted Areas, open burning of building materials and for the purpose of waste disposal is prohibited. In addition, the open burning of agricultural waste or leaves on your property is prohibited unless greater than 1,000 feet away from other inhabited residences. The open burning documented on October 23, 2012 by our office and again on November 10, 2012 by the Brown County Solid Waste Authority is a violation of OAC rule 3745-19-04.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

If you have any questions regarding this matter or Ohio's open burning regulations, please contact me or Louis Boerger at (740) 353-5156.

Sincerely,



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Cindy Charles  
Director  
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC  
Brian Dickens, USEPA, Region V  
Hamersville-Clark Township Fire Department  
Deputy Tim Hubbard, Brown County Solid Waste Authority