



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

January 23, 2013

Re: Coshocton County  
Open Burning  
Complaint 30002655

**Certified: 70102780000197061869**

Mr. James Albaugh  
57116 County Road 9  
West Lafayette, Ohio 43845

Dear Mr. Albaugh:

I am writing this letter in response to a complaint received by this office January 14, 2013. The complaint alleges that you burned unknown wastes in your backyard.

In August of 2012 I contacted you in regard to a similar complaint. At that time I found that you had burned some pine tree trimmings and grasses in your backyard. As I explained in person and by letter, you are too close to your neighbors to burn residential wastes for disposal purposes on this property.

On January 17, 2013, I investigated the most recent complaint and spoke to you. Evidence of the open burning of scrap wood two by fours from your remodeling project was observed in your backyard.

Demolition or construction waste materials cannot be open burned in Ohio. 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 also 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. 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 at this location or any other location in Ohio, legal action will be taken against you.

Please provide a written response, 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. Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio

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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.

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