



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

January 23, 2013

Re: Perry County  
Open Burning  
Complaint 30002656

**Certified: 70102780000197061876**

Mr. Gary Phillips  
7055 State Route 383  
Somerset, Ohio 43783

Dear Mr. Phillips:

I am writing this letter in response to a complaint received by this office January 11, 2013. The complaint alleges that you burn household wastes, insulation, carpet and demolition wastes at your home on Township Road 104, Somerset.

On January 15, 2013, I investigated this complaint. Evidence of the open burning of wood, trash, plastics, household garbage, diapers, carpet, insulation, dry wall and other solid waste materials was observed in two separate burn piles on the ground and a burn barrel. I attempted to speak to you, but you were not home at the time of my investigation. I left my business card and a pamphlet that explains Ohio's open burning rules in your door. I received a voice mail message from you but have not been able to contact you by phone.

I received a copy of a report from the Somerset-Reading Township Volunteer Fire Department that stated on December 4, 2012, the fire department responded to a fire at 7055 Township Road 104, Somerset. Treated lumber, particle board, insulation, plastic, rubber, etc. was being burned.

Plastics, tires, insulation, treated lumber, particle board, rubber, demolition or construction waste materials, garbage, dry wall, etc. 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. If 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.

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

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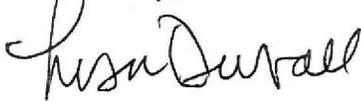
immediately. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action will be taken against you.

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, 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 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.

Please contact me at 740-380-5217 or 1-800-686-7330 as soon as possible.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

cc: The Perry County Health District  
cc: The Somerset-Reading Fire Dept.