Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 15, 2013

Re: Ross County
Open Burning
Complaint 30002608

Mr. Clayton McDade
7177 Mt. Tabor Road
Chillicothe, Ohio 45601

Dear Mr. McDade:

I am writing this letter in response to a complaint received by this office November 20, 2012. The complaint alleges that Mr. Joshua Johnson, who lives on this property, hauls trash to Tabernacle Road, Chillicothe, and burns the trash. Records from the Ross County Auditor indicate that you are the owner of this property.

On December 17, 2012, a Ross County Sheriff's Deputy and I investigated this complaint. The Deputy was familiar with the property and showed me were a large part of the burning had taken place. This area had been covered with dirt and leveled. I observed additional burn sites in the driveway and an area near a trailer where household trash and other solid wastes had recently been burned. I attempted to speak to Mr. Johnson, but he was not home at the time of my investigation. I left my business card and a pamphlet that explains Ohio's open burning rules in his door.

On January 11, 2013, I spoke to you by phone regarding this complaint. As I informed you at that time, plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is hauled to a property from another location 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 <u>at least 1,000 feet</u> from any inhabited building not on your property. Because there is not a burn site location on this property that is at least 1,000 feet from any inhabited building not on your property, <u>residential wastes cannot be burned at this location</u>.

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 copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If Mr. Johnson or anyone else continues to open burn improper waste materials at this location legal action may be taken against you as the property owners.

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.

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: The Ross County Health District