



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

January 9, 2013

Re: Ross County
Open Burning
Complaint 30002608

Mr. Jason and Ms. Roxanne Wilson
1353 Sullivan Road
Chillicothe, Ohio 45601

Dear Mr. and Ms. Wilson:

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 owners 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 where 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.

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 at least 1,000 feet 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, residential wastes cannot be burned 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. 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.

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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.

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/cs

cc: The Ross County Health District