



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

January 15, 2013

Re: Athens County  
Open Burning  
Complaint 30002641

**Certified: 70102780000197061623**

Mr. and Mrs. Joe Lucas  
16841 State Route 550  
Amesville, Ohio 45711

Dear Mr. and Mrs. Lucas:

I am writing this letter in response to a report from the Chauncey-Dover Fire Department received by this office December 28, 2012. The report states that on December 20, 2012, roofing materials and debris from a house were burned at 11984 Bean Hollow Road, Athens.

On January 8, 2012, I investigated this complaint. The house at 11984 Bean Hollow Road had been demolished on that property. Demolition wastes and limbs from a large tree had been burned on the home site and next to the home. There was no one on site during my investigation.

I spoke to you, Mrs. Lucas, on January 11, 2013, in regards to this complaint. As I explained at that time, demolition wastes cannot be burned for waste disposal purposes anywhere in Ohio. You assured me that there would be no more burning.

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 your property that is at least 1,000 feet from any inhabited building not on your property, you cannot open burn residential waste (including tree trimmings) 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 you continue to open burn improper

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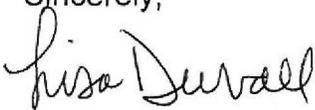
waste materials at this location or any other location in Ohio, legal action will be taken against you.

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 this information 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,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

Enclosure

cc: The Athens County Health District  
cc: The Chauncey-Dover Vol. Fire Dept.