



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

March 26, 2013

Re: Washington County
Open Burning
Complaint 30002736

Mr. William Smith
1278 Bender Road
Marietta, Ohio 45750

Dear Mr. Smith:

I am writing this letter in response to a complaint received by this office March 15, 2013. The complaint alleges that you burn household trash and other wastes at your home.

On March 20, 2013, I investigated this complaint and spoke to you. Evidence of the open burning of wood, trash, plastics, household garbage, furniture, cable and other solid waste materials was observed to the right of your driveway. As I explained at that time, plastics, garbage, furniture, tires, demolition wastes, etc. cannot be open burned anywhere 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. The current burn site does not appear to be 1,000 feet from your neighbors, but you could burn your residential wastes on another location on your property that would be 1,000 feet from any inhabited building not on your property.

You are permitted to have a cookout or campfire using clean, seasoned firewood if the fire is not more than two feet in height and not more than three feet in diameter. The fire must be put out when the cookout/campfire is over and cannot be left unattended.

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 gave you a pamphlet that explains this rule. 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 may be taken against you.

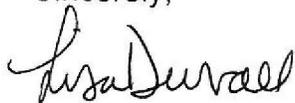
Please provide a written response, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining solid waste materials, and a

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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.

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