



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

March 25, 2013

Re: Washington County
Open Burning
Complaint 30002734

Certified: 70122920000138145980

Mr. Dan Ritchey
Marietta Township Trustees
260 Sandhill Road
Marietta, Ohio 45773

Dear Mr. Ritchey and Trustees:

I am writing this letter in response to a complaint received by this office March 15, 2013. The complaint alleges that tree trimmings and branches are being burned on township property on Sandhill Road, Marietta.

I have spoken previously to Mr. Ritchey by phone in regards to open burning waste materials on Marietta Township property. In 2012, tree limbs and branches from the township property and a few of the neighbor's properties were piled in the yard next to the township building. In August 2012, Mr. Ritchie called this office and spoke to me and requested that the township be allowed to burn the tree wastes. As I explained at that time, the tree wastes could not be burned. To open burn landscape wastes, such as tree branches and limbs, the property must be a residential or agricultural property in an unrestricted area and the burn site must be at least 1,000 feet from the nearest inhabited building located off the property. The township property does not meet these requirements. Mr. Ritchey called again on March 13, 2013, with the same request and I again explained that this pile could not be burned.

I also spoke to Mr. Ritchey on March 15, 2013, after receiving the latest complaint. He informed me that the pile was being chipped, but that the gentlemen doing the chipping had started a fire to keep warm in the morning. The fire was still burning at 2:25 p.m. The temperature ranged from 43 degrees in the morning to 50 degrees in the afternoon.

On March 20, 2013, I continued my investigation of this complaint. Mr. Ritchey and I inspected the area and observed evidence of the open burning of landscape wastes in the form of blackened dirt and charred wood on the ground. There were also wood chips on the ground from the branches that were chipped. During our conversation Mr. Ritchey indicated that the smaller branches and leaves that could not safely be put into the chipper were burned.

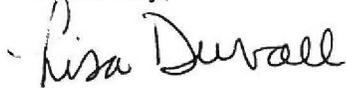
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Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04(copy enclosed) and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If the open burning of improper waste materials on this property continues, legal action will be taken.

Please provide a written response, within 14 days of receipt of this letter, which includes a commitment to stop open burning in violation of OAC rule 3745-19-04. Ohio EPA has the 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,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

Enclosure

cc: Dean Ponchak, DAPC - SEDO