



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

March 27, 2013

Re: Athens County
Open Burning
Complaint 30002721

Ms. Kelly Coen
2725 Crabtree Road
Albany, Ohio 45710

Dear Ms. Coen:

I am writing this letter in response to a complaint received by this office March 4, 2013. The complaint alleges that household trash and garbage are being burned at the corner of Crabtree Road and State Route 143, Albany, Ohio.

On March 14, 2013, I investigated this complaint and spoke to you. You told me that you had not recently burned. Some trash and wastes had been cleaned up from the burn site and put into a dumpster. You stated that you are in the process of getting another dumpster. Evidence of the open burning of trash, plastics, household garbage and other solid waste materials was observed. As I explained at that time, plastics, garbage, furniture, etc., cannot be open burned anywhere in Ohio. In addition, plastics, tires, garbage, furniture, demolition or construction waste materials or any type of waste material that is hauled to a property from another location cannot be open burned in Ohio. I left my business card and a pamphlet that explains Ohio's open burning rules in your door.

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. If 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 at this location.

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.

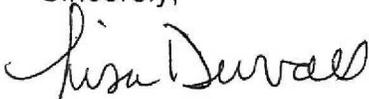
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste 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 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 Athens County Health District