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

July 7, 2011

Re: Washington County
Open Burning
Complaint 30001928

Certified: 70101060000178962587

Mr. Phil Moore
1734 State Route 124
Little Hocking, Ohio 45742

Dear Mr. Moore:

I am writing this letter in response to a complaint received by this office on June 14, 2011. The complaint alleges that you are burning a large number of trees cleared from your property on Lockhart Street, just north of Belpre. This property is undeveloped land that is for sale.

On June 16, 2011, I investigated this complaint. Evidence of the open burning of trees was observed. You were not at the property at the time of my investigation. To open burn land clearing waste such as trees and brush, the property must be in an unrestricted area, the burn site must be at least 1,000 feet from the nearest inhabited building located off the property where the burn site is located, the fire must be contained in a pit and an air curtain destructor must be used to curtail the release of air contaminants, and prior written permission must be obtained from the Ohio EPA.

On June 20, 2011, I spoke to you by phone and explained the requirements for the open burning of land clearing waste. You told me that you had burned on this property before and were not aware that this type of burning was not permitted. An unidentified member of the local fire department had been out during the fire and told your bulldozer operator that it was acceptable to continue. Unfortunately, the local fire department member may not have been aware of the State-wide restrictions and conditions for open burning land clearing waste. The Ohio EPA requirements to use an air curtain destructor (or other effective, approved device) and obtain prior written permission to open burn the land clearing waste were violated.

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. I have highlighted the section that pertains to the requirements for burning land clearing wastes. 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 on this property or any other property in Ohio, legal action may be taken against you.

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

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/mlm

Enclosure