

**Environmental
Protection Agency**

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

June 8, 2011

Re: Washington County
Open Burning
Complaint 300018666

The Muskingum Township Trustees
Mr. John Karas-Trustee
26 Town Hall Road
Marietta, Ohio 45750

Dear Mr. Karas:

I am writing this letter in response to a complaint received by this office on May 4, 2011. The complaint alleges that wastes are being burned at the Muskingum Township Garage in Devola.

On May 18, 2011, I investigated this complaint and spoke to Mr. Dave Hughes. Evidence of the open burning of wood materials was observed on the ground inside the fence at the township garage. As I explained to Mr. Hughes, this type of burning is in violation of Ohio's open burning rules. Materials that are hauled to a property, including tree limbs, tree trimmings, cardboard, etc., cannot be open burned for waste disposal purposes by the township. These types of landscape or residential waste materials can only be open burned on the property on which they are generated, if the property is in an unrestricted area and the burn site is at least 1,000 feet from the nearest inhabited building not located on the property. Residential or landscape waste materials can only be open burned on residential or agricultural properties, not business or government-owned properties.

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 the township continues to open burn improper waste materials, legal action may be taken against the township.

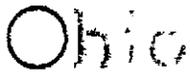
If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330 or via e-mail at lisa.duvall@epa.state.oh.us.

Sincerely,

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

Enclosure



**Environmental
Protection Agency**

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

June 8, 2011

Re: Washington County
Open Burning
Complaint 30001866

Mr. Richard Joy
Joy Construction
90 Ferncliff Dr.
Marietta, Ohio 45750

Dear Mr. Joy:

I am writing this letter in response to a complaint received by this office on May 4, 2011. The complaint alleges that waste materials were open burned at the Muskingum Township Garage.

May 18, 2011, I investigated this complaint. Based on the pictures included with the complaint, I found that the fire was on your construction company's property, not at the township garage. I left a message at your home in regard to this complaint. On May 23, 2011, I spoke to you by phone. You told me that you were cleaning up around your business and had burned some wastes. The burn site has been cleaned up and you told me that you would not burn again.

A business cannot open burn any type of waste materials for disposal purposes. This restriction includes tree trimmings, wood, paper, cardboard, etc. 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.

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