



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

May 3, 2013

Re: Athens County  
Open Burning  
Complaint 30002792

**Certified: 70122920000138145881**

Mr. and Mrs. Joe Lucas  
16841 State Route 550  
Amesville, Ohio 45711

Dear Mr. and Mrs. Lucas:

I am writing this letter in response to a complaint received by this office April 23, 2013. The complaint alleges that you haul in dump truck loads of plywood, insulation, drywall and other wastes and burn them on your property at 19215 State Route 329. A follow up report was also received from the Athens County Health Department.

On April 25, 2013, I investigated this complaint. Evidence of the open burning of wood, demolition wastes, trees, roofing material and other solid waste materials was observed. In correspondence from the Athens County Health Department received by this office are previous orders dated December 21, 2011, along with pictures that document the dumping of construction and demolition wastes along with solid wastes in a pit on this same property.

Also on April 25, 2013, I observed Mr. Sean Cupler burning wood from a house trailer that he was demolishing near the intersection of State Route 13 and State Route 685 on Martin Road, Glouster. Mr. Cupler told me that you are the owner of this property and had hired him to tear down the trailer. A search of the records at the Athens County Auditor's Office confirms that you are the owner of this property.

Ohio EPA and the Athens County Health Department have records that document open burning in violation of Ohio Administrative Code Rule 3745-19-04 on four properties owned by you. The first at the intersection of State Route 550 and Bean Hollow Road, Athens, the second at 11984 Bean Hollow Road, Athens, the third at Martin Road, Glouster, and the fourth at 19215 State Route 329, Trimble.

Both the Athens County Health Department and Ohio EPA have contacted you by phone and in writing to inform you that this type of open dumping and open burning are in violation of state regulations. Open burning of improper waste materials at these locations is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 by a maximum fine of up to \$25,000 per day per violation. Because you have continued to open burn or allow the open burning of improper waste materials on several of your properties you are being referred for legal action.

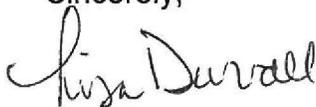
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I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-04, a plan and schedule for cleanup of the burn area and any remaining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

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,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs

cc: The Athens County Health Department