



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

June 17, 2013

Re: Vinton County
Open Burning
Complaint 30002831

Certified: 70102780000197079772

Mr. and Mrs. Owings
34031 State Route 683
McArthur, Ohio 45651

Dear Mr. and Mrs. Owings:

I am writing this letter in response to a complaint received by this office on May 10, 2013. The complaint alleges that you burn plastic and trash in barrels at your home.

On September 9, 2011, I spoke to you, Mrs. Owings, in response to a complaint of burning at your home. During that investigation I observed several trash barrels where you had burned garbage and plastics. At that time I explained to you that the burning of plastics and garbage is not permitted in Ohio and that to burn residential wastes such as paper, cardboard, leaves, tree trimmings, etc., the burn site must be at least 1,000 feet from your neighbors' homes. I also gave you a pamphlet that explains Ohio's burning rules.

On May 22, 2013 I spoke to you, Mrs. Owings, in regard to the most recent complaint. You told me that you had burned some hay and maybe some tree limbs in the field next to your house. You do not have trash pickup but sometimes put trash in with your daughter's trash. I inspected your seven burn barrels. Two of the barrels have rusted in half. The other five barrels all appear to still be in use. Plastic bottles, plastic grocery bags, twine, paper and ash was observed in these barrels.

Plastics and garbage cannot be open burned in Ohio. To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., or agricultural wastes such as hay, 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. The area where your burn barrels are located is not 1,000 feet from you're the nearest inhabited buildings (your neighbors). 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.

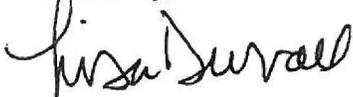
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I gave you a pamphlet that explains this rule. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately.

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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 barrel 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.

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