



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

June 17, 2013

Re: Pike County
Open Burning
Complaint 30002832

Certified: 70102780000197079789

Ms. Teresa Lawhun
515 Shoemaker Road
Latham, Ohio 45646

Dear Ms. Lawhun:

I am writing this letter in response to a complaint received by this office on May 10, 2013. The complaint alleges that Arthur Young burns tires at 715 Shoemaker Road, Latham. During the course of my investigation I found you own this property and Mr. Young, who is your nephew, lives on this property.

On May 22, 2013, I investigated this complaint. Tree trimmings, logs and branches were being burned at the time of my investigation. Evidence of the burning of tires was observed and more than sixty unburned tires were piled on the property. There were several piles of unburned tree trimmings piled on the property. I spoke to you at your home and you told me that Mr. Young has a tree trimming service and hauls the tree trimmings to your property where he lives and burns them. I attempted to speak to Mr. Young but he was not home at the time of my investigation.

Plastics, tires, demolition or construction waste materials, garbage, or any type of waste material that is hauled to a property from another location (including tree trimmings) cannot be open burned in Ohio.

To open burn residential waste such as paper, leaves, tree trimmings, cardboard, etc., the property must be located in an unrestricted area (as this property is) and the burn site must be at least 1,000 feet from any inhabited building not on the property. Because there is not a burn site location on this property that is at least 1,000 feet from any inhabited building not on the property, residential wastes cannot be burned on this property.

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.

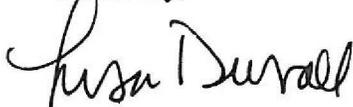
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Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I gave you a pamphlet that explains this rule. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If Mr. Young or anyone else continues to open burn improper waste materials on your property legal action may be taken against you.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop the 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.

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