



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

August 9, 2013

Re: Washington County  
Open Burning  
Complaint 30002886

**Certified: 70122920000138146512**

Mr. Gary Smith  
Smith Concrete Company  
45 Shady Hill Drive  
Marietta, Ohio 45750

Dear Mr. Smith:

I am writing this letter in response to a complaint received by this office on June 19, 2013. The complaint alleges that you burn wood forms from your concrete business in a barrel at your home.

In February 2012, I investigated a similar complaint at your home. At that time I observed evidence of the burning of plywood, trash, plastics and other solid wastes. I spoke to you by phone and explained Ohio's open burning regulations and you told me that you would stop burning and remove the burn barrels.

On June 27, 2013, and July 17, 2013, I investigated the most recent complaint. During the investigations I observed burn barrels on your property. I observed evidence of open burning of plastic and observed ash, yellow caution tape, boxes, drink cups and other trash inside the burn barrel. I again left a card and pamphlet that explains Ohio's open burning rules in your door.

Plastics, garbage or any type of waste generated from your business 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 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 the nearest inhabited buildings (your neighbors). You cannot open burn residential wastes or any other type of 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. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately.

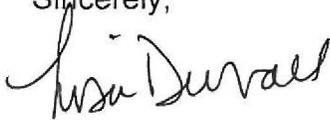
I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-

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04, a plan and schedule for cleanup of the burn barrel area, removal of the trash barrels 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,

A handwritten signature in black ink that reads "Lisa Duvall". The signature is written in a cursive style with a large initial "L" and "D".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/cs