



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

October 3, 2007

Certified Mail

Michael Bakan

1353 Black Forest Drive

West Carrollton, OH 45449

WARNING LETTER

Dear Mr. Bakan:

On September 26, 2007, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Sugarcreek Township Fire Department regarding multiple open burning incidents which have occurred at 2790 Ferry Road in Sugarcreek Township, Ohio. On October 2, 2007, RAPCA was contacted by the Sugarcreek Township Fire Department regarding two additional open burning incidents in which the fire department extinguished fires at this location on September 30, 2007 and October 1, 2007. Sugarcreek Township Fire Department provided RAPCA with fire reports for those two incidents. RAPCA performed an inspection of the premises on October 2, 2007 and observed multiple burn sites which appeared to be used for the disposal of land clearing waste. These burn sites were located within 1,000 feet of neighboring residences. Records indicate that you are the property owner of this address, and therefore the responsible party for the open burning.

Land clearing waste is defined by Ohio Administrative Code (OAC) rule 3745-19-01 as "plant waste material which is removed from land . . . for the purpose of rendering the land useful for residential, commercial, or industrial development."

Pursuant to OAC rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-19-04, **Open Burning in Unrestricted Areas**, open burning for the purposes of disposal of land clearing waste is only permissible if the following conditions are met:

- The fire is set only when atmospheric conditions will readily dissipate contaminants;
- The fire does not create a visibility hazard on roadways, railroad tracks, or air fields;
- **The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;**
- **An air curtain destructor or other device or method determined by the**

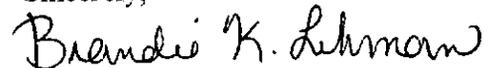
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- **director to be at least as effective is used to curtail release of air contaminants; and**
Ohio EPA or the local air agency (RAPCA) is notified prior to the open burning and written permission is granted to conduct the open burning.

The open burning that occurred, due to the conditions outlined above in bold print, is a violation of OAC rule and GCBHAPCR section 3745-19-04. This letter serves as official notification from RAPCA to cease all open burning activities in violation of the state and local air regulations and employ an alternative means of disposal to remove any remaining waste material located at this site. Any further violations of these regulations may result in enforcement actions against you, which include possible criminal and/or civil penalties.

If you have any questions regarding the open burning regulations, please feel free to contact me at (937) 225-5923.

Sincerely,



Brandie K. Lehman
Air Pollution Control Specialist

cc: Norm Speaks, Showcase Homes
Lt. Raymond Schultz, Sugarcreek Township Fire Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Bakan
1353 Black Forest Drive
West Carrollton, OH 45449

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Michael Bakan Address
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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