



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery, and Preble Counties
117 South Main Street, Dayton, OH 45422-1280
937.225.4435 — FAX: 937.225.3486
www.rapca.org

February 19, 2008

Certified Mail

Chief John Skidmore
Jefferson Township Fire Department (Volunteer)
3188 Maysville St.
P.O. Box 116
Bowersville, OH 45307

NOTICE OF VIOLATION (NON-HPV)

Summary: On October 9, 2007, the Regional Air Pollution Control Agency (RAPCA) received an open burning complaint regarding two standing houses that were burned on Paintersville Port William Road in Greene County, Ohio. An investigation of the sites was performed on October 9, 2007, during which RAPCA found the remains of one house, located at 3742 Paintersville Port William Road in Caesarcreek Township, Greene County, Ohio, which was completely burned down and demolished. RAPCA also observed the site at 3705 Paintersville Port William Road in Jefferson Township, Greene County, Ohio, in which a standing house was completely burned down and then buried. The open burning that occurred is a violation of local and state air pollution control regulations. In addition, no asbestos survey or abatement was performed and no Ohio Environmental Protection Agency Notification of Demolition and Renovation Form was submitted prior to the demolition of the houses. As the "operator" and responsible party for the burning/demolition, Jefferson Township Fire Department (Volunteer) is hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Chief Skidmore:

On October 9, 2007, RAPCA received a complaint regarding the open burning of standing structures, possibly containing asbestos materials, on Paintersville Port William Road in Greene County, Ohio. That same day, RAPCA performed an inspection of the sites and found the burned remains of the house located at 3742 Paintersville Port William Road in Caesarcreek Township, Greene County, Ohio and the demolition site of 3705 Paintersville Port William Road in Jefferson Township, Greene County, Ohio. The house located at 3742 Paintersville Port William Road was completely burned down and demolished. The only portion of this structure

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that was still standing was a partial block wall. Large amounts of damaged transite (asbestos) siding panels, as well as other structural materials, were observed throughout the burned debris, driveway and strewn around the grass in the yard surrounding the structure. The site at 3705 Paintersville Port William Road had already been completely buried and graded by Groco Family Farms prior to the inspection.

On October 10, 2007, a RAPCA representative spoke to you, Chief John Skidmore, by telephone, regarding the open burning that had taken place. You stated that the Jefferson Township Fire Department (Volunteer) was responsible for burning the two standing structures, due to the fact that these buildings were run down and there were concerns of drug activity involving these buildings. You stated that no interior fire training was conducted during the burning of these structures.

Pursuant to Ohio Administrative Code (OAC) rule and Greene County Board of Health Air Pollution Control Regulations (CCCHDAPCR) section 3745-19-04, Open Burning in Unrestricted Areas, open burning of waste materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited. In addition, residential structures do not meet the definition of agricultural or residential waste, pursuant to OAC rule and GCBHAPCR section 3745-19-01, and therefore are prohibited to be burned for the purpose of waste disposal. The open burning that occurred is a violation of OAC rule and GCBHAPCR section 3745-19-04.

On October 19, 2007, the RAPCA Asbestos Coordinator performed an inspection of 3742 Paintersville Port William Road for the purpose of determining compliance with OAC rule and GCBHAPCR section 3745-20, Asbestos Emission Control Standards and Procedures, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 Code of Federal Regulations (CFR) Part 61, Subpart M. During this inspection, the Asbestos Coordinator for RAPCA confirmed the presence of large amounts of dry, friable, extensively damaged transite siding panels in the demolition debris.

OAC rule and GCBHAPCR section 3745-20-04(E) state; "If a facility is demolished by intentional burning, or if demolition debris is to be burned, all regulated asbestos-containing material including category I and category II nonfriable asbestos-containing material must be removed in accordance with this chapter before burning." The failure to remove the transite siding panels prior to burning this building is a violation of OAC rule and GCBHAPCR section 3745-20-04(E).

Pursuant to OAC rule and GCBHAPCR section 3745-19-05(A)(7), for open burning defined under paragraph (D)(2) of OAC rule and GCBHAPCR section 3745-19-03 and paragraph (C)(2) of OAC rule and GCBHAPCR section 3745-19-04, permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with OAC rule and GCBHAPCR section 3745-20-03. OAC rule and GCBHAPCR section 3745-20-03 and CFR Part 61.145 require proper

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notification of demolition activities, including demolition by open burning.

Proper notification is a federal and state requirement which was established to ensure structures are inspected for asbestos-containing material and that removal of asbestos is performed consistent with the asbestos regulations prior to any demolition activity. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion dates of the work, the location of the site, the names of the operators and/or asbestos removal contractors, methods of removal and the amount, if any, of asbestos located within the structure. Failure to properly notify, as required by the asbestos regulations, constitutes a violation of OAC rule and GCBHAPCR section 3745-20-03, and CFR Part 61.145.

As the "operator" of the open burning/demolition, you are responsible for the violations that have occurred. These violations are very serious and RAPCA requires that, within fourteen (14) days of receipt of this letter, you submit a written commitment to maintain compliance with all open burning and asbestos regulations in the future. Acceptance of this compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in Ohio Revised Code (ORC) 3704.06 and 3707.49. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact me at (937) 496-7540 or Brandie Lehman at (937) 225-5923.

Sincerely,



Jennifer S. Marsee

Supervisor, Abatement Unit

Regional Air Pollution Control Agency

cc: John Paul, RAPCA
Jefferis Canan, RAPCA
Sarah Gostomsky, RAPCA
Michael Matis, MCCHD
Lisa Holscher, USEPA
Tom Kalman, OEPA
Mark Guess, Groco Family Farms

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 Jefferson Township FD (Volunteer)
 3188 Maysville Street
 PO Box 116
 Bowersville, OH 45307

PS Form 3800, June 2002

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 Chief John Skidmore
 Jefferson Township FD (Volunteer)
 3188 Maysville Street
 PO Box 116
 Bowersville, OH 45307

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

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