



## 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

March 24, 2008

Certified Mail

Robert Ryan

504 Waterfront Place

Centerville, OH 45458-3872

### WARNING LETTER

Dear Mr. Ryan:

On March 18, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Beavercreek Fire Department regarding an incident of open burning which occurred at the Kingswood Forest Condominiums on Darbyshire Drive in Beavercreek, Ohio. A fire report provided by the Beavercreek Fire Department states that open burning of construction debris occurred on March 17, 2008 and consisted of two large burn piles behind the newly constructed homes, at this location. RAPCA performed an inspection of the premises on March 21, 2008 and observed the two burn sites, located at the rear of 3360 Darbyshire Drive, which contained miscellaneous construction debris including scrap lumber, plywood, and cardboard. The burn sites were each approximately eight feet in diameter, were located in a restricted area and within 1,000 feet of neighboring residences. Beavercreek Fire Department indicated that you are a subcontractor at this site and the responsible party for the open burning.

Pursuant to Ohio Administrative Code (OAC) rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-19-03, **Open Burning in Restricted Areas**, open burning for waste disposal purposes is prohibited within the boundary of any municipal corporation. In addition, open burning is only permissible for residential and/or agricultural waste disposal purposes and not for the disposal of construction debris. A subcontractor on a construction site does not fall under the definition of those permitted to burn anywhere in the state of Ohio.

The open burning that occurred, given the above conditions, is a violation of OAC rule and GCBHAPCR section 3745-19-03. 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 the 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: Rochelle Fuller  
Ed Wood

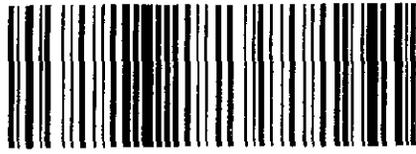
Beavercreek Fire Dept.  
E.E. Wood Homes, Inc.



**CERTIFIED MAIL™**

**REGIONAL AIR POLLUTION CONTROL AGENCY**

7 South Main Street  
Centerville, Ohio 45422-1280



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REGIONAL AIR POLLUTION CONTROL

Robert Ryan  
504 Waterfront Place  
Centerville, OH 45458-3872

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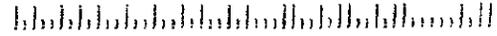
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April 24, 2008

Robert Ryan  
504 Waterfront Place  
Centerville, OH 45458-3872

RE: Warning Letter dated March 24, 2008

Dear Mr. Ryan:

The Regional Air Pollution Control Agency (RAPCA) issued a Warning Letter (WL) on March 24, 2008, to your attention, for open burning violations that occurred at the Kingswood Forest Condominiums on Darbyshire Drive in Beavercreek, Ohio. This WL was sent via certified mail on March 24, 2008 and was returned to RAPCA, unclaimed, on April 22, 2008.

The above referenced WL is attached. RAPCA believes the open burning violations discussed in the March 24, 2008 WL to be a serious matter and requires that upon receipt of this letter and the attached WL, you cease all open burning activities in violation of the state and local air regulations.

RAPCA appreciates your cooperation. If you have any questions regarding this matter, feel free to contact me at (937) 225-5923.

Sincerely,

Brandie K. Lehman

Air Pollution Control Specialist

Enclosure

