





## 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

June 10, 2008

### Certified Mail

Richard M. Clemens

R. M. Clemens Co.

P.O. Box 266

Bellbrook, OH 45305

### WARNING LETTER

Dear Mr. Clemens:

On June 2, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Southwest District Office of the Ohio Environmental Protection Agency (OEPA SWDO) regarding open burning of construction debris occurring at the Highview Terrace Development off of Little Sugarcreek Road in Bellbrook, Ohio. A photograph of a burn site at this development, taken on June 2, 2008, was forwarded to RAPCA from OEPA SWDO. The burn site in the photograph contained miscellaneous construction debris and garbage material, including scrap wood and plywood, cardboard, plastic drink bottles, cans, metal pieces, etc. RAPCA drove through Highview Terrace on June 5, 2008 and again on June 9, 2008. On June 9, 2008, RAPCA observed a burn barrel located near the front entrance to the development. OEPA SWDO indicated that R. M. Clemens Co. is the property owner and developer of this site, and therefore the responsible party for the open burning that has occurred.

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, plus a zone extending one thousand feet beyond the boundaries of any such municipality, with a population of one thousand to ten thousand persons. In addition, open burning is only permissible for residential and/or agricultural waste disposal purposes and not for the disposal of construction debris. A developer/contractor 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 has 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



**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:

RICHARD M. CLEMENS  
R. M. CLEMENS CO.  
PO BOX 266  
BELLBROOK, OH 45305

2. Article Number  
(Transfer from service label)

7004 1160 0000 6165 4924

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]*  Addressee

B. Received by (Printed Name)  
Richard M. Clemens

C. Date of Delivery  
6-25-01

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Certified Mail
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