



## 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

August 1, 2008

### Certified Mail

Jeanette Cooper

22 E Dayton Yellow Springs Road

Yellow Springs, OH 45387

### WARNING LETTER

Dear Ms. Cooper:

On July 29, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint concerning a large fire occurring on an air pollution advisory day on the property at 22 East Dayton Yellow Springs Road in Miami Township, Greene County, Ohio. RAPCA performed an inspection of the premises on July 31, 2008, and observed a burn site, approximately 15 feet in diameter, containing the burned remains of brush and tree limbs. The burn site was located within 1,000 feet of neighboring residences and within 15 to 20 feet of Dayton Yellow Springs Road.

Pursuant to Ohio Administrative Code (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 residential waste disposal is only permissible if the fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises and does not create a visibility hazard on the roadways, railroad tracks, or air fields.

In addition, OAC rule and GCBHAPCR section 3745-19-02, **Open Burning Standards - Relations to Other Prohibitions**, state that no open burning shall be conducted in an area where an air alert, warning, or emergency under Chapter 3745-25 of the Administrative Code is in effect. Tuesday, July 29, 2008, was declared an air pollution advisory day for the Dayton/Springfield area and therefore, no open burning was permitted on this day.

The open burning that occurred, due to the fact that the fire was located within one thousand feet of neighboring residences and was burning on an air pollution advisory day, is a violation of OAC rules and GCBHAPCR sections 3745-19-02 and 3745-19-04. Due to the fact that the burn site was located in such close proximity to Dayton Yellow Springs Road and the weather conditions on July 29, 2008 (calm winds) may not have readily dissipated the smoke from this fire, a visibility hazard on Dayton Yellow Springs Road may have occurred while burning. This would also be a violation of 3745-19-04.

Jeanette Cooper

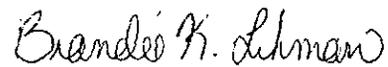
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This letter serves as official notification from RAPCA to cease all open burning activities in violation of state and local air regulations. RAPCA requires that any remaining residential waste on this property be disposed of in a manner which is in compliance with all air and solid waste regulations. Any further violations of the air regulations may result in enforcement actions against you, which include criminal and/or civil penalties.

If you have any questions regarding the open burning regulations, 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:

Jeanette Cooper  
 22 E Dayton Yellow Springs Road  
 Yellow Springs, OH 45387

2. Article Number  
(Transfer from service label)**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X *Cody Toodvine*

- Agent  
 Addressee

## B. Received by (Printed Name)

*Cody Toodvine*

## C. Date of Delivery

*8/2/08*

## D. Is delivery address different from item 1?

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 No

If YES, enter delivery address below:

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- Certified Mail     Express Mail  
 Registered         Return Receipt for Merchandise  
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## 4. Restricted Delivery? (Extra Fee)

- Yes

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