



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

December 11, 2008

Certified Mail

Jaymee Gressman
40 E Home Ave, Apt. 2
Dayton, OH 45449

Dear Mr. Gressman:

WARNING LETTER

On November 24, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint of open burning and solvent dumping occurring on a vacant property (Parcel ID A01000100030002600) on State Route 4 in Bath Township, Greene County, Ohio. RAPCA performed an inspection of this property on November 26, 2008 and observed a large burn site, approximately 8-10 feet in diameter, containing beer/soda cans, wood, nails, miscellaneous metal pieces, plastic bottles, plastic bags and other miscellaneous waste materials. RAPCA also observed two 5 gallon buckets containing an unknown black, sludgy waste oil/solvent material on this property. RAPCA has reason to believe that this material is used as a fuel source for the open burning which occurs. This burn site is located in a restricted area and within 1,000 feet of the nearest neighboring residence.

On December 8, 2008, RAPCA received a complaint forwarded from a representative of the Ohio EPA Southwest District Office regarding an additional incident of open burning which occurred on this property on December 6, 2008. RAPCA performed a second inspection of this property on December 8, 2008 and noted that the burn pile did contain additional materials and ashes that were not present during the November 26, 2008 inspection. Specifically, RAPCA observed two green painted metal poles, miscellaneous plastic materials and coated wire that were not present during the previous inspection. RAPCA also noted that one of the 5 gallon buckets of waste material that was present during the November 26, 2008 inspection was gone. No one was present at the time of RAPCA's inspections, but records indicate that you are the owner of this property 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 residential waste disposal purposes is prohibited within the boundaries of any municipal corporation, plus a zone extending one mile beyond any such municipality with a population of ten thousand persons or more (according to research conducted by RAPCA, this address is located in a restricted area). Materials prohibited to be burned include all residential waste materials such as paper, leaves, weeds, grass, brush and especially garbage. Furthermore, anywhere in the state of Ohio, open burning for waste disposal purposes is prohibited within 1,000 feet of neighboring residences and no materials are permitted to be burned which contain rubber, grease, asphalt or liquid petroleum products or that are not generated on the premises on which they are burned.

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Due to the fact that the burn site was used for waste disposal purposes, was located in a restricted area within 1,000 feet of a neighboring residence, contained prohibited materials and materials that were generated off-site, the open burning which has occurred, is in 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 state and local air regulations. RAPCA requires that any remaining 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 will result in further enforcement actions against you, which include possible criminal and/or civil penalties.

For future reference, the above-cited air regulations do permit bonfires, campfires and outdoor fireplace equipment, whether for cooking food, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

- a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
- b) They are not used for waste disposal purposes; and
- c) They have a total fuel area of three feet or less in diameter and two feet or less in height.

Enclosed with this letter is a summary sheet of Ohio's Open Burning Regulations which contains additional information on Ohio's open burning policies. If there are any questions regarding the open burning regulations, feel free to contact me at (937) 225-5923.

Sincerely,



Brandie K. Lehman
Air Pollution Control Specialist

Cc: Dave Combs, OEPA SWDO
Chief Michael Riley, Fairborn Fire Department

Enclosure

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:

JAYMEE GRESSMAN
 40 E HOME AVE, APT 2
 DAYTON, OH 45449

2. Article Number
 (Transfer from service label)

7008 1300 0001 9322 4578

COMPLETE THIS SECTION ON DELIVERY

A. Signature



-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

JAYMEE GRESSMAN

C. Date of Delivery

12/20/08

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

