



## 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 9, 2010

### Certified Mail

Robin and Jayne Whitton  
3496 Cemetery Road  
Xenia, OH 45385

### WARNING LETTER

Dear Mr. & Mrs. Whitton:

On August 6, 2010, the Regional Air Pollution Control Agency (RAPCA) received a complaint concerning open burning of horse manure occurring at 3496 Cemetery Road in Spring Valley Township, Greene County, Ohio. RAPCA performed an inspection of the premises on August 6, 2010, and observed a burn site containing the remains of straw and manure. This burn site was located within 1,000 feet of neighboring residences.

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 agricultural 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. **In addition, per the definition of "agricultural waste" in OAC rule and GCBHAPCR section 3745-19-01, animal waste is not included as a material that is permissible to be burned, anywhere in the state of Ohio.**

Furthermore, 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. RAPCA received an additional complaint on August 9, 2010, stating that burning was occurring at this residence on August 8, 2010. August 8, 2010 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 has occurred, due to the fact that prohibited materials were burned and the fire was located within one thousand feet of neighboring residences, is a violation of OAC rules and GCBHAPCR sections 3745-19-02 and 3745-19-04.

This letter serves as official notification from RAPCA to cease all open burning activities in

Robin and Jayne Whitton

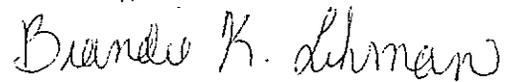
August 9, 2010

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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 may result in enforcement actions against you, which include criminal and/or civil penalties.

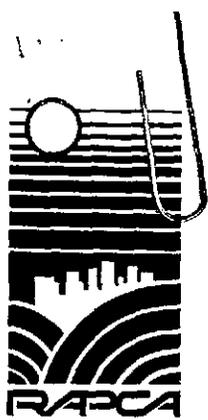
If you have any questions regarding the open burning regulations, feel free to contact me at 937-225-5923.

Sincerely,

A handwritten signature in cursive script that reads "Brandie K. Lehman".

Brandie K. Lehman

Air Pollution Control Specialist



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September 9, 2010

Jayne Whitton  
3496 Cemetery Road  
Xenia, OH 45385

RE: Open Burning Warning Letter issued August 9, 2010

Dear Mrs. Whitton:

On August 9, 2010, the Regional Air Pollution Control Agency (RAPCA) issued a warning letter to your attention, by certified mail, regarding open burning violations documented on August 6, 2010 at 3496 Cemetery Road in Spring Valley Township, Greene County, Ohio. RAPCA received a complaint of continued open burning on August 17, 2010 and a RAPCA representative performed a second site visit on that day and left a business card to discuss the open burning regulations with you. RAPCA spoke to you by phone and discussed the open burning regulations and inquired about whether you received the warning letter issued to you on August 9, 2010. You stated that you had not picked it up from the post office. This letter was returned to RAPCA, unclaimed, on August 31, 2010.

The above referenced warning letter is attached. RAPCA believes the open burning violations discussed in the August 9, 2010 warning letter to be a serious matter and requires that all open burning activities in violation of the state and local air regulations cease immediately.

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



281194  
**REGIONAL AIR POLLUTION  
 CONTROL AGENCY**  
 117 South Main Street  
 Dayton, Ohio 45422-1280

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



7002 2410 0007 8888 6463

UNITED STATES POSTAGE  
**PRINNY HOWLS**  
 02 1A **\$ 05.54<sup>0</sup>**  
 0004385214 AUG 09 2010  
 MAILED FROM ZIP CODE 45402

Robin and Jayne Whitton  
 3496 Cemetery Road  
 Xenia, OH 45385

**RECEIVED**  
 AUG 31 2010  
 REGIONAL AIR  
 POLLUTION CONTROL

*dm*  
 870  
 818  
 820

NIXIE 454 DA 1 00 08/27/10

RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

BC: 454221280 \*0495-01474-09-34

454221280 - - - bbbbbb

**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:

Robin and Jayne Whitton  
3496 Cemetery Road  
Xenia, OH 45385

2. Article Number

(Transfer from service label)

7002 2410 0007 8888 6463

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

