



## 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 11, 2010

### Certified Mail

Thomas Minton

1295 Old Springfield Pike

Xenia, OH 45385

### WARNING LETTER

Dear Mr. Minton:

On August 9, 2010, the Regional Air Pollution Control Agency (RAPCA) received a complaint that open burning of trash occurred on August 8, 2010 at 1295 Old Springfield Pike in Xenia Township, Greene County, Ohio. The Xenia Township Fire Department responded to this fire on August 8, 2010 and RAPCA received a copy of the fire report from Xenia Township Fire Department on August 9, 2010. RAPCA performed an inspection of the premises on August 10, 2010, and observed a burn site containing cardboard, pine needles and wood. This burn site was located in a restricted area and 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 3745-19-03, Open Burning in Restricted Areas, open burning for residential waste disposal purposes is prohibited in any area within the boundary of any municipal corporation, such as the city of Xenia, plus a zone extending one mile beyond any such municipality with a population of ten thousand persons or more. In addition, open burning for waste disposal purposes is only permissible in unrestricted areas if the fire is located no less than 1,000 feet from any neighboring residence.

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. 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.

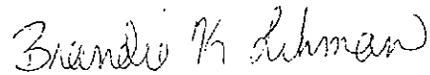
The open burning that has occurred, due to the fact that August 8, 2010 was an air pollution advisory day and the burn site was located in a restricted area and within 1,000 feet of neighboring residences, is in violation of OAC rules and GCBHAPCR sections 3745-19-02 and 3745-19-03.

Thomas Minton  
August 11, 2010  
Page 2

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 may result in enforcement actions against you, which include criminal and/or civil penalties. To determine which days are designated as air pollution advisory days, please call Air Line at (937) 223-3222.

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:

Thomas Minton  
1295 Old Springfield Pike  
Xenia, OH 45385

2. Article Number  
(Transfer from service label)

7009 3410 0001 7190 7898

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Thomas Minton*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

8-19-10

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

Domestic Return Receipt

102595-02-M-1540

