

**REGIONAL AIR POLLUTION CONTROL AGENCY**

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties
117 South Main Street, Dayton, Ohio 45422-1280
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www.rapca.org

July 25, 2007

Certified Mail

Mr. Clifford Harmon
3490 North Drive
Greenville, OH 45331

NOTICE OF VIOLATION

Summary: On June 30, 2007, the New Madison and Greenville Fire Departments responded to a large fire at 4938 State Route 49 in Greenville, Ohio. A representative from the Regional Air Pollution Control Agency (RAPCA) inspected the property on July 5, 2007 and documented the buried remains of burned structural debris in violation of state and local air pollution control regulations. As the property owner and individual responsible for the fire, you are hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Mr. Harmon:

On June 11, 2007, you telephoned RAPCA representative Christine Swetz regarding the possibility of burning a vacant house on your property at 4938 State Route 49 in Greenville, Ohio. At that time, you explained the house was still standing but you planned to demolish the structure. Ms. Swetz explained the demolished residence could not be burned but suggested you contact the local fire department who may wish to use the structure for fire training. On June 20, 2007, Chief Jeffrey Frech and Captain Robert Cook of the New Madison Fire Department inspected the house & stated the structure was suitable for fire training but the process would take several months due to the required inspections, permits and removal of asbestos siding.

On July 3, 2007, RAPCA received a complaint from the New Madison Fire Department regarding an intentional fire that occurred on June 30, 2007 at 4938 State Route 49. The New Madison and Greenville Fire Departments responded to this incident and extinguished the blaze. Reports from both fire departments state that the burn site contained the remains of a demolished two-story house. Numerous pieces of broken asbestos shingles (transite) were noted and photographed in the vicinity of the fire, as well as burned wires, painted wood, insulation, and other structural debris from the home.

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On July 5, 2007, a RAPCA representative performed an inspection of the property and observed the buried remains of a demolished house. In evidence of a large fire were two live trees over 25 feet tall, heavily scorched to their tops. The burn site was located less than five hundred feet from neighboring residences. Fragments of burned debris, transite, wood and structural materials were scattered in the area where the house previously stood. You stated that the remains of the burn site and house were buried on June 30, 2007, as required by the New Madison Fire Department for complete extinguishment of the fire. Reports to RAPCA and the New Madison and Greenville Fire Departments state the open burning was started by you at approximately 6:00 PM the evening of June 29, 2007.

This open burning is in violation of the following state and local air pollution control regulations:

- * Ohio Administrative Code (OAC) rules: 3745-19-04 (B)(3)(c) & 3745-19-04 (B)(3)(e) Open Burning in Unrestricted Areas.
- * Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR) rules: 3745-19-04 (B)(3)(c) & 3745-19-04 (B)(3)(e) , Open Burning in Unrestricted Areas.
- * Ohio Revised Code 3704.05 (G)

Pursuant to the above regulations, the open burning of materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited in Ohio. Furthermore, the open burning of any material (i.e. clean dry wood) for waste disposal is not permissible within 1,000 feet of a neighboring residence. An Official Order for the aforementioned violation was issued to you during RAPCA's July 5, 2007 inspection.

This letter serves as official notification of the aforementioned violations and to cease all unauthorized open burning activities. RAPCA believes the above open burning to be a serious matter and requires that, within 14 days of receipt of this letter, you submit a written commitment to maintain compliance with all open burning regulations in the future. This commitment shall include a plan for disposing of the barns which you are planning to demolish in the near future and shall comply with all applicable air and solid waste regulations.

Acceptance of the compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

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If you have any questions regarding this matter, please contact Christine Swetz at (937) 496-7541.

Sincerely,



Jennifer Marsee
Supervisor
Abatement Unit

cc: Chief Jeff Frech, New Madison Fire Department
Chief Mark Wolf, Greenville Fire Department
Corrie Holthaus, Darke County General Health District
Lisa Holscher, USEPA
Tom Kalman, Ohio EPA

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MR CLIFFORD HARMON
 3490 NORTH DRIVE
 GREENVILLE, OH 45331

See reverse for instructions

PS Form 3800, June 2002

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