



## 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

July 17, 2008

### Certified Mail

Mr. Terry Sarver  
4880 Horiatio-Harris Creek Road  
Greenville, OH 45331

Dear Mr. Sarver:

### WARNING LETTER

On May 29, 2008, in response to an anonymous complaint, a representative of the Regional Air Pollution Control Agency (RAPCA) performed an inspection of the property you reside at on 4880 Horiatio-Harris Creek Road in Greenville, Ohio. Chief Greer and Assistant Chief Murphy of the Greenville Township Fire Department accompanied RAPCA on this inspection.

A burn pile was observed behind the property's house and barn containing the charred remains of garbage, including tin cans/food containers and other miscellaneous debris. Stacked on top of the pile were three unburned dog houses, a plastic bag of household trash and several sheets of scrap plywood. The burn site was less than 1,000 feet from a neighboring residence. This open burning is in violation of the following state and local air pollution control regulations:

- \* Ohio Administrative Code (OAC) rule: 3745-19-04,  
Open Burning in Unrestricted Areas.
- \* Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR)  
rule: 3745-19-04, Open Burning in Unrestricted Areas.

Pursuant to the above regulations, the open burning of garbage/food products and materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited in Ohio. The doghouses were constructed with treated/painted lumber which are not suitable materials for burning. Furthermore, the open burning for waste disposal of clean dry wood, such as landscape, agricultural and residential waste, is not permissible within 1,000 feet of neighboring homes. This letter serves as official notification to cease all open burning in violation of the aforementioned regulations. Any further violations may result in enforcement actions against you, including penalties.

Also observed at the time of RAPCA's inspection was a demolished barn on the property. RAPCA observed suspect material, identified as transite, asbestos-containing material (ACM), in the debris. Because the broken remains of ACM is present, the entire demolition site must be

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carefully handled pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos. RAPCA advises you of the federal requirement contained in the NESHAP and OAC and DCBHAPCR rule 3745-20-04 which prohibits the burning of regulated asbestos-containing materials (RACM). **NONE of the material from the demolished barn may be burned due to the broken transite which is scattered throughout the debris.** Pursuant to 40 CFR Part 61.150 and OAC and DCBHAPCR rule 3745-20-05, all asbestos-containing waste material from a facility shall be deposited at an approved solid waste disposal site. RAPCA strongly advises that you comply with all applicable state and federal NESHAP regulations to avoid any violations and subsequent enforcement action.

At the time of RAPCA's inspection, you were not home. On June 2, 2008, I spoke to you by phone and explained the open burning and asbestos regulations. RAPCA appreciates your cooperation in this matter. Enclosed is a pamphlet outlining Ohio's open burning rules. If you have any questions regarding open burning please contact me at (937) 496-7541. If you have any questions regarding the asbestos regulations, please contact Sara Gostomsky at (937) 225-5947.

Sincerely,



Christine A. Swetz  
Air Pollution Control Specialist  
Abatement Unit

Enclosure

cc: Greenville Township Fire Department  
Corrie Holthaus, Darke County General Health District  
Sarah Gostomsky, RAPCA  
Marianne Prince, property owner

**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:

**MR TERRY SARVER**  
4880 HORATIO-HARRIS CREEK RD  
GREENVILLE, OH 45331

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *Terry Sarver*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*TERRY SARVER 7-19-08*

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