



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 26, 2009

Certified Mail

Mr. Mike Ditmer
9911 Grubbs-Rex Road
Laura, OH 45337

NOTICE OF VIOLATION (Non-HPV)

Summary

On August 10, 2009, the Regional Air Pollution Control Agency (RAPCA) documented the unauthorized open burning of demolition debris from an 1800's residence, formerly the Potsdam School, which had been destroyed by fire. The burn site was located at 9997 Grubbs-Rex Road in Darke County. The debris had been hauled to this location from the site of the residence/schoolhouse, placed in a large pit and set on fire. This open burning is in violation of state and local air pollution control regulations. As the individual responsible for the burning on Grubbs-Rex Road, you are hereby notified of the violation and ordered to cease all unauthorized open burning activities.

Dear Mr. Ditmer:

On August 10, 2009, RAPCA received a complaint from the Darke County Solid Waste District (DCSWD) regarding open burning on the property at 9997 Grubbs-Rex Road in Monroe Township, Darke County, Ohio. This property is currently owned by Andrew and Fawne Hild. The fire reportedly contained the remains of a burned residence which had originally been a schoolhouse constructed in 1860. Your business, Ditmer Excavating, was reported to be the contractor responsible for transporting the debris from its original location to 9997 Grubbs-Rex Road.

In response to the complaint, RAPCA performed an investigation of the above location on August 10, 2009, accompanied by representatives from DCSWD. No one was present on the property at the time of RAPCA's inspection. A large deep pit was observed, approximately 25' X 20' wide and 10' deep. The pit contained the remains of bricks, stone, structural/construction debris and trash, including electrical wiring, plastics, small appliances, clothing, miscellaneous household items, metal, wood, straw and other demolition materials. An area of this debris, approximately 15' X 10' X 8' in size, had been set on fire and was still smoldering. Per state and local air pollution control regulations, this site is located in an unrestricted area. This open burning is in violation of the following regulations:

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

Pursuant to the above regulations, the open burning of demolished buildings and materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited in Ohio. Additionally, it is unlawful to haul any type of material off site to another location for burning.

Following inspection of the above property, RAPCA and DCSWD representatives drove to the site of the burned residence, located at 25 East-Cross Street in Laura, Miami County, Ohio. The property owner was present at the time of RAPCA's visit and confirmed that you (Ditmer Excavating) were the contractor hired to clean up the site. The property owner confirmed that you had already removed a portion of the burned structure.

During RAPCA's inspection on East Cross Street, Mrs. Ditmer arrived to inquire about the agencies' visit to the property at 9997 Grubbs-Rex Road. Mrs. Ditmer confirmed that you had hauled debris from the burned residence to the pit on Grubbs- Rex Road and stated that you were leasing the property for farming from its current owners. RAPCA explained that pursuant to state and local air pollution control regulations, it was not permissible to open burn material from the structure. Furthermore, RAPCA advised Mrs. Ditmer that there may be violations of the federal asbestos regulations contained in the National Emission Standards for Hazardous Air Pollutants (NESHAP) due to the fact that the residence was a former schoolhouse.

This letter serves as official notification of the aforementioned open burning violation and requires immediate cessation of all unauthorized open burning activities. RAPCA believes the above incident 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 properly disposing of the remaining material at both locations (Grubbs-Rex Road and East Cross Street) in compliance 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: Krista Fourman, Darke County Solid Waste District
Roberta Mangen, Darke County General Health District
Laura Fire Department
Pittsburg Fire Department
D.W. Kendall Agency, West Milton, OH
Andrew & Fawne Hild
Lisa Holscher, USEPA
Tom Kalman, Ohio EPA

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- 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. Mike Ditmer
 9911 Grubbs-Rex Road
 Laura, OH 45337

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A. Signature

x *M. Ditmer* *LAURA, OH*
 Addressed

B. Received by (Printed Name)

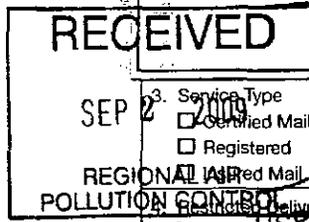
Michael F. Ditmer

C. Date of Delivery

SEP 08 2009

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 If YES, enter delivery address below:

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