



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

May 12, 2010

Certified Mail

Mr. Rod Lambert
3727 West Drive
Greenville, OH 45331

Dear Mr. Lambert:

WARNING LETTER

This letter is in regards to the open burning which has taken place in recent months at your residence on 3727 West Drive. This property is located within the village of Wayne Lakes in Darke County Ohio, a "Restricted Area" per Ohio Administrative Code (OAC) rule 3745-19-01 (J). On April 27, 2010, you telephoned the Regional Air Pollution Control Agency (RAPCA) regarding open burning regulations and recreational fires for the above property. At that time, I explained that recreational fires are permissible in restricted areas without notification to or permission from the Ohio EPA if they meet the following stipulations which are contained in OAC and Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR) rule 3745-19-03 (Open Burning in Restricted Areas):

1. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
2. They are **not used for waste disposal purposes**; and
3. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

Larger, organized /'ceremonial' bonfires (such as a Boy Scout event or school pep rally) in restricted areas must submit **prior notification** to the Ohio EPA at least 10 working days in advance and are subject to the following stipulations:

1. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
2. They are **not used for waste disposal purposes**; and
3. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

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Upon notification of a ceremonial fire, the Ohio EPA may determine that the proposed open burning is not permissible per OAC and DCBHAPCR Chapter 3745-19 and will notify the applicant to that effect.

Also during our conversation on April 27, 2010, I explained that communities may adopt more stringent local open burning regulations prohibiting the above types of fires. Such local ordinances are enforced by the community enacting the rule however and not the Ohio EPA or RAPCA. Following our conversation, a one-page summary of the OAC open burning regulations was mailed to you. On April 29, 2010, a complaint was received regarding excessive and bothersome smoke from frequent open burning at your residence. On May 4, 2010, you phoned RAPCA with regards to your open burning activities since our previous conversation. At that time you were concerned because the New Madison Fire Department had been dispatched to your residence over the weekend in response to open burning on the property. You maintained that your fires were strictly recreational.

On May 6, 2010, I performed an inspection of your residence at 3727 West Drive. Two burn sites were observed. The first consisted of a metal tractor tire rim, approximately two and a half feet in diameter. The ring contained aged sticks and brush kindling and a few small green tree limbs and weeds. With the exception of the 'green' material, this burn site appeared to comply with the aforementioned requirements for a recreational/cooking fire.

The second burn site was approximately five feet in diameter, three feet high, and was enclosed by cinder blocks. The burn site appeared to consist of the remains of wood from trees recently cut down on the property. A large tree stump and a few smaller tree limbs were identified in the burn pile which was nearly full with ash (two and a half feet high). Stacks of large, newly cut, tree stumps were located near the second burn site. It was evident that this open burning was for waste disposal purposes. The burn site was less than 1,000 feet from numerous neighboring homes in a restricted area. **This opening burning is in violation of OAC and DCBHAPCR rule 3745-19-03** which prohibits residential waste disposal open burning in restricted areas. Furthermore, no type of waste disposal open burning may take place within 1,000 feet of neighboring homes in restricted or unrestricted areas. As we discussed on the phone April 27, 2010, and following my inspection on May 6, 2010, waste disposal open burning is not permissible anywhere on the above property or within the village of Wayne Lakes. You stated that the trees had been cut down to build a dog kennel in that area and that you were trying to burn and haul off the stumps.

This letter serves as official notification of the above-referenced open burning violation. RAPCA strongly suggests you find an alternate means of disposal for the remaining tree stumps which complies with all air and solid waste disposal regulations. Further violations of the open burning regulations may result in enforcement actions against you including civil and/or criminal penalties.

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RAPCA also recommends that you be cognizant and considerate of the close proximity of your neighbors and exercise discretion before lighting a recreational fire. Recreational fires are to be used only for their intended purpose (i.e. cooking or heat). OAC and DCBHAPCR rule 3745-15-08, Circumvention, states that a cooking or recreational fire, used for the purpose of waste disposal in a restricted area, is a violation of the open burning regulations. RAPCA performs an on-site inspection in response to every complaint that is received. If a complaint, resulting from an alleged recreational fire, is determined to be set for waste disposal purposes, the perpetrator will be held in violation of OAC and DCBHAPCR rule 3745-19-03 and OAC and DCBHAPCR rule 3745-15-08.

RAPCA appreciates your cooperation in this matter. A copy of the OAC Chapter 3745-19 open burning regulations was left at your residence at the time of my inspection. If you have any additional questions regarding this information or Ohio's open burning regulations, please contact me at (937) 496-7541.

Sincerely,



Christine A. Swetz
Air Pollution Control Specialist
Abatement Unit

cc: Chief Roger Hunt, New Madison Fire Department
Mayor Gary Young, Wayne Lakes
Royce and Corinne Cross, property owners

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. Rod Lambert
 3727 West Drive
 Greenville, OH 45331

2. Article Number
(Transfer from service label)

7008 1300 0001 9323 3259

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X) *Debra L Lambert* Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/14/02

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