



## 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

Ms. Diane Stevenson  
252 S. Gordon Dr.  
Oak Harbor, OH 43449

Dear Ms. Stevenson:

### WARNING LETTER

The Regional Air Pollution Control Agency (RAPCA) received a complaint regarding open burning at your property on 3720 West Drive in the village of Wayne Lakes, Darke County Ohio. This property is located within a "Restricted Area" per Ohio Administrative Code (OAC) rule 3745-19-01 (J). In response to the complaint, I performed an inspection of the above location on May 6, 2010. No one was home at the time of my inspection. I observed a burn site in the back yard, approximately five feet in diameter and 4 feet high, containing two plastic trash bags, old plywood/construction material, tree limbs, wood, and other miscellaneous debris. Per the following state and local air pollution control regulations, this open burning is not permissible:

- \* Ohio Administrative Code (OAC) rule: 3745-19-03,  
Open Burning in Restricted Areas.
- \* Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR)  
rule: 3745-19-03, Open Burning in Restricted Areas.

Pursuant to the aforementioned regulations, the open burning of construction debris, trash and materials containing rubber, grease, asphalt or liquid petroleum products is prohibited in Ohio. Furthermore, the open burning of landscape and residential waste for disposal purposes is not permissible within restricted areas. **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, including penalties.

RAPCA is aware that many residents of the Wayne Lakes community have recreational 'campfires' for cooking or warmth while fishing, etc. Pursuant to the above regulations, small recreational/cooking fires are permissible in restricted areas without notification to or permission from the Ohio EPA. However, the regulations require that the following conditions be met:

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

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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.

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.

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. Enclosed is a one-page summary of Ohio's open burning regulations. If you have any questions regarding this information, you can reach me at (937) 496-7541.

Sincerely,



Christine A. Swetz  
Air Pollution Control Specialist  
Abatement Unit

Enclosure

cc: New Madison Fire Department

5-12-10 WL

**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:

Ms. Diane Stevenson  
252 S. Gordon Dr.  
Oak Harbor, OH 43449

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Diane Stevenson*  Addressee  
B. Received by (Printed Name) C. Date of Delivery  
*DIANE STEVENSON 5/15/10*  
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

2. Article Number

(Transfer from service label)

7009 3410 0001 7190 7492