



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 30, 2010

Certified Mail

Mr. Elmer Longenecker
9420 Grubbs-Rex Rd.
Laura, OH 45337

NOTICE OF VIOLATION (Non-HPV)

Summary

On June 18, 2010, the Regional Air Pollution Control Agency (RAPCA) documented the unauthorized open burning of a wood barn and its contents at 7189 Delisle-Fourman Road in Darke County, Ohio. Structures and building debris are not permissible to open burn for waste disposal. The burn site also contained numerous materials which are prohibited from being burned and was located too close to neighboring residences in violation of state and local air pollution control regulations. As the property owner, you are hereby notified of the violation and ordered to cease all unauthorized open burning activities.

Dear Mr. Longenecker:

On the afternoon of June 17, 2010, RAPCA received a complaint regarding the open burning of barn debris at 7189 Delisle-Fourman Road in Van Buren Township, Darke County, Ohio. Per Darke County Auditor's Office records, you are the owner of this property which is designated a cash-grain/general farm. Per state and local air pollution control regulations, this property is located in an unrestricted area. RAPCA contacted the Arcanum Fire Department and was told that no calls or runs had been made to this location for an accidental fire.

In response to the complaint, a representative from RAPCA performed an inspection of the above property on June 18, 2010. No one could be found on the premises at the time of RAPCA's inspection. A large area of smoldering debris, approximately 50' X 25' in size, was located where a bank barn once stood. Darke County Auditor's Office records list the former barn's dimensions as 40' X 95', including a lean-to structure, for a total of 3800 square feet. The burn site was less than 1,000 feet from several neighboring residences. In addition to wood, the burn site contained the remains of farm equipment/machinery, tires, electrical components, a mattress, plastics, structural materials and other miscellaneous/unidentifiable trash. A pile of salvaged timbers was observed to one side of the barn, but it appeared that most of the barn and its contents were burned in their original location. 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.
- * Revised Code 3704.05 (A)

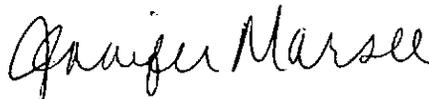
The above-referenced regulations prohibit the open burning of buildings or building materials as well as items containing rubber, grease, asphalt or liquid petroleum products. Furthermore, no waste disposal open burning may take place within 1,000 feet of an inhabited neighboring residence. On July 19, 2010, RAPCA representative Christine Swetz notified you by phone of the violation which was documented on June 18, 2010 and discussed the applicable open burning regulations.

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 calendar 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 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.

If you have any questions regarding this matter or Ohio's open burning regulations, please contact me or Christine Swetz at (937) 225-4435.

Sincerely,



Jennifer Marsee
Supervisor
Abatement Unit

cc: Arcanum Fire Department
Darke County Sheriff's Office – Dispatch
Roberta Mangen, Darke County General Health District
Mr. Kenton Lavy, 7432 Delisle-Fourman Rd.
Lisa Holscher, USEPA
Tom Kalman, Ohio EPA

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St	9420 Grubbs-Rex Rd.	
or F	Laura, OH 45337	
City		

PS Form 3811, January 2001 See Instructions

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1. Article Addressed to:

Mr. Elmer Longenecker
 9420 Grubbs-Rex Rd.
 Laura, OH 45337

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Elmer Longenecker

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PS Form 3811, February 2004

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