





## 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

October 22, 2010

### Certified Mail

Mr. Dave Hemmelgarn  
North Star Plumbing, Heating & Cooling  
37 South Main St.  
North Star, OH 45350

Dear Mr. Hemmelgarn:

### WARNING LETTER

On October 4, 2010, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Ohio Environmental Protection Agency regarding the open burning of debris at your business, North Star Plumbing, Heating & Cooling, located on 37 South Main Street in North Star, Ohio. In response to this complaint, I performed an inspection of the above property on October 6, 2010. A 3-sided concrete enclosure, approximately 10'X10'X4' was observed, containing the burned remains of numerous trash items, including solvent containers, PVC, insulation, plastics, wire, cardboard containers, electrical/construction materials and other unidentifiable trash. It was apparent that waste disposal burning had been conducted at this location for an extended period of time.

The above burn site is located within the city limits of North Star, a restricted area. This open burning is in violation of the following state and local air pollution control regulations:

- \* 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 trash is prohibited in Ohio and burning clean dry wood for waste disposal is not permissible within 1,000 feet of neighboring inhabited buildings. Furthermore, businesses are not permitted to burn any type of material for waste disposal. Therefore, NO open burning for waste disposal is permissible on this property. Additionally, please note that it is not permissible to open burn material for waste disposal that has been transported from another property.

At the time of my inspection, the above open burning violation and regulations were explained to you and a summary of the rules was supplied. 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. The remaining burn site material should be transported to an approved solid waste disposal facility.

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Also at the time of my inspection, you inquired about outdoor wood-fired boilers (OWBs) as a means for disposing of wood pallets from your business and providing heat to the facility. As I explained during my visit, OWBs, even when operated according to manufacturer specifications (using clean, dry seasoned wood), typically emit excessive amounts of smoke and particulate into the surrounding area. RAPCA has received numerous complaints involving these devices in the past and highly discourages their installation in close proximity to any other neighboring homes or inhabited buildings. Your business is located in the center of town, a location which would likely generate numerous complaints and public nuisance claims from operation of an OWB. Ohio EPA has proposed regulations to address emissions from burning non-traditional fuels in OWBs and plans to subject such units to the state incinerator rules and associated permitting requirements. Enclosed is information on the incinerator rule update to address OWBs and an Ohio Environmental Council article which discusses environmental and public health concerns from use of these devices.

RAPCA appreciates your cooperation in this matter. Please feel free to contact me if you have any questions regarding this information. I can be reached at (937) 496-7541.

Sincerely,



Christine A. Swetz  
Air Pollution Control Specialist

Enclosure

cc: Chief Bill Roll, North Star Fire Department

**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. Dave Hemmelgarn  
 North Star Plumbing, Heating & Cooling  
 37 South Main St.  
 North Star, Ohio 45350

2. Article Number  
(transfer from service label)

7010 1060 0000 0187 3059

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

x *Lee Hemmelgarn*

B. Received by (Printed Name)

*Lee Hemmelgarn*

C. Date of Delivery

*10-25-00*

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

