



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

January 3, 2011

Certified Mail

Ms. Jane Steele

424 North Street

Arcanum, Ohio 45304

NOTICE OF VIOLATION (Non-HPV)

Summary

On November 6, 2010 and November 7, 2010, New Madison and West Manchester Fire Departments responded to tire fires at 175 US Route 127 in Butler Township, Darke County, Ohio. Representatives from the Regional Air Pollution Control Agency (RAPCA), New Madison Fire Department, Darke County Solid Waste District, and Darke County General Health District inspected the property on November 8, 2010 and documented the open burning of tires in violation of state and local air pollution control regulations. As the property owner, you are hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Ms. Steele:

On November 8, 2010, RAPCA received a complaint regarding the intentional open burning of tires on the property at 175 US Route 127 in Butler Township, Darke County, Ohio. Darke County Auditor Office records list you as the current owner of this property. West Manchester and New Madison Fire Departments responded to the first incident which occurred on November 6, 2010 and extinguished two fires consisting of tires. The New Madison Fire Department responded to a second incident which occurred on November 7, 2010 and extinguished another fire consisting of tires. No one could be located on the property at the time of either incident.

On November 8, 2010, in response to the complaint, representatives from RAPCA, the New Madison Fire Department, Darke County Solid Waste District, and Darke County General Health District performed an inspection of the above property. Three burn sites were observed, each approximately 12 feet in diameter, containing the remains of dozens of burned tires. The burn sites were within 100 feet of a natural gas pipeline relay station and within 1,000 feet of neighboring residences. The property is located in an unrestricted area.

Ohio Administrative Code (OAC) rule and Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR) Section 3745-19-04(A) **Open Burning in Unrestricted Areas**, prohibit "open burning" as defined in OAC Rule and DCBHAPCR Section 3745-19-01(H), in an unrestricted area except as otherwise provided in OAC Rule and DCBHAPCR Section 3745-19-04(B) through (D). The provisions of OAC Rule and DCBHAPCR Section 3745-19-04(B)

through (D) do not provide for the open burning of tires anywhere in the State of Ohio, or the open burning of any waste material within 1,000 feet of a neighboring inhabited building. Therefore, NO waste disposal open burning of any type is permissible at this location. The open burning that has occurred on your property is a violation of OAC rule and DCBHAPCR Section 3745-19-04 and Ohio Revised Code (ORC) 3704.05. As the property owner, you are liable for any unauthorized open burning which is conducted on the above premises.

This letter serves as official notification of the aforementioned violations and requires immediate cessation of all unauthorized open burning activities. RAPCA believes the above open burning 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.

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 Sections 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 Christine A. Swetz at 937-496-7541 or Jefferis R. Canan at 937-225-5934.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc: Tom Kalman, Ohio EPA
William MacDowell, USEPA Region V
Chief Roger Hunt, New Madison Community Volunteer Fire Company
Krista Fourman, Darke County Solid Waste District
Roberta Mangan, Darke County General Health District
Corrie Holthaus, Darke County General Health District
Deputy Bill Walker, Darke County Sherriff's Office

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:

Ms. Jane Steele
424 North Street
Arcanum, Ohio 45304

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Jane Steele Addressee
- B. Received by (Printed Name) C. Date of Delivery
Jane Steele 1/5/11
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number
(transfer from service label)

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on 3811, February 2004

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