



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-3280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

July 18, 2011

Certified Mail

Mr. & Mrs. Mike Fisher Sr. &
Michael Fisher Jr.
Fisher and Sons LLC
979 Peters Rd.
Fort Recovery, OH 45846

Regarding: Open burning at Fisher and Sons LLC

WARNING LETTER

On June 28, 2011, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Ohio Environmental Protection Agency, Southwest District Office (SWDO) regarding open burning and auto fluid spillage at your licensed scrap yard business, Fisher and Sons LLC, located on 979 Peters Road, in Mississinawa Township, Darke County, Ohio. In response to this complaint, representatives from RAPCA and SWDO, Division of Materials and Waste Management, performed an inspection of the above property on July 13, 2011. During the inspection, RAPCA observed a large metal drum, containing plastic garbage bags where Mr. Fisher stated that trash is burned on a frequent basis. The burn site was less than 1,000 feet from several neighboring residences.

The above burn site is located in an unrestricted area. 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.

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.

The above regulations and distance requirements also apply to *residential* waste disposal open burning. Therefore, NO residential waste disposal burning is permissible at your adjoining residences on Peters Road as they cannot meet the distance requirement.

Fisher and Sons LLC
July 18, 2011
Page 2

At the time of RAPCA's 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. Michael Fisher Jr. explained that all trash would be sent to an approved solid waste disposal facility in the future.

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
Abatement Unit

cc: Chief Day, Southwest Mercer Fire District
Jeff Smith, Ohio EPA SWDO
Cathy Altman, Ohio EPA SWDO

SENDER: COMPLETE THIS SECTION

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- 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. & Mrs. Mike Fisher Sr. &
Michael Fisher Jr.
Fisher and Sons LLC
979 Peters Road
Fort Recovery, OH 45846

2. Article Number
(Transfer from service label)

7008 1830 0003 0181 2303

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X *Charles Spohr*

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7/20/07

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