



## 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

November 18, 2008

Certified Mail

William Turner

9265 Selma Road

South Charleston, Ohio 45368

Dear Mr. Turner,

### WARNING LETTER

On November 6, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint from the Clark County Sheriff's Office regarding open burning of the residential structure located at 5923 Hennigan Road in Madison Township, Clark County, Ohio. The Clark County Auditor's Office identifies you, William Turner, as the owner of this property. RAPCA then performed an inspection of the site on September 6, 2008 and observed a large, freshly dug, open pit (approximately 10' X 15' X 8' in size) containing the burning remnants of a residential home (including wooden and metal structural material, transite siding - an asbestos containing material, and concrete) and other debris (including clothes, trash and other unidentifiable charred remains). During the inspection, a RAPCA representative spoke with a man named David Reed, who claimed to work for the owner of the above property. Mr. Reed stated that he had initially started a small fire for the purpose of burning clothes which contained bugs. He explained that a gust of wind had carried sparks from the burning clothes pile to the house and unintentionally ignited it. RAPCA performed a second inspection of the property the next day, on November 7, 2008, to ensure no additional burning was occurring, and witnessed that the pit had been filled in. The initial, intentional burn pile was for waste disposal purposes and located well within 1,000 feet of several neighboring residences. 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.
- \* Clark County Combined Health District Air Pollution Control Regulations  
(CCCHDAPCR): 3745-19-04, Open Burning in Unrestricted Areas.

Pursuant to the above regulations, open burning of residential waste (i.e. trees, brush and clean, dry wood products) for the purpose of waste disposal is not permissible within 1,000 feet of neighboring residences or nearby inhabited buildings. Additionally, clothing, trash and standing structures are not suitable material to open burn. Furthermore, it is highly recommended that burn sites are located far enough away from standing structures on the premises to ensure no accidental fires occur and only conducted when weather conditions are not conducive to transporting the fire (i.e. only when the wind is 12 miles per hour or less).

This letter serves as official notification to cease all open burning in violation of the aforementioned regulations. RAPCA strongly recommends that you find an alternate means of waste disposal in the future. Any further violations of the regulations will result in enforcement actions against you which could include criminal and/or civil penalties. Due to the seriousness of this matter, RAPCA is requiring that you submit a written commitment to maintain compliance with all applicable open burning



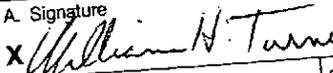
William Turner  
November 18, 2008  
Page 2

regulations in the future. This compliance plan shall be submitted within fourteen (14) working days of receipt of this letter and shall also comply with all applicable solid waste regulations.

RAPCA appreciates your cooperation in this matter. If you have any questions regarding this information, please call me at (937) 225-4453.

Sincerely,  
  
Lesley A. Jenkins  
Air Pollution Control Specialist

cc: Clark County Sheriff's Office  
South Charleston Fire Department  
Clark County Combined Health District  
South Charleston Police Department

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature 	<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee
	B. Received by (Printed Name) William H. Turner	C. Date of Delivery 11/20/08	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to:	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
WILLIAM TURNER 9265 SELMA ROAD SOUTH CHARLESTON, OH 45368		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service lat)	7008 1300 0001 9322 4448		102595-02-M-1540
PS Form 3811, February 2004 Domestic Return Receipt			