



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

September 22, 2009

Certified Mail

Howard Clifford & Colleen Rodriguez
8910 S. Bellefontaine Road
New Carlisle, Ohio 45344

WARNING LETTER

Dear Mr. Clifford & Ms. Rodriguez,

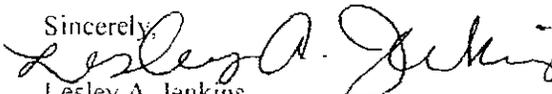
On September 18, 2009, the Regional Air Pollution Control Agency (RAPCA) received a complaint regarding the open burning of a cottonwood tree on your property located at 8910 S. Bellefontaine Road, Bethel Township, Miami County, Ohio. The complainant claimed that the burn pile continued to smoke for several days, resulting in a noxious odor that spread to the surrounding area. RAPCA then performed an inspection of the premises on September 21, 2009, and observed a large, smoking burn pile on the South side of the property, approximately 20' X 10' in size, containing tree remnants, wood beams and other wood products. There was also a burn site on the North side of the property, containing two sections of privacy fencing and a large, charred tree trunk in a pile of ashes. The burn sites were located in an unrestricted area, 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.
- * Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule: 3745-19-04, Open Burning in Unrestricted Areas.

Pursuant to the above regulations, open burning of residential and landscape waste (i.e. clean, dry wood products) is permissible in unrestricted areas. However, open burning for waste disposal purposes in unrestricted areas must be conducted at least 1,000 feet from neighboring residences. Additionally, RAPCA would also like to inform you that treated or painted wood, items containing rubber, grease, asphalt or liquid petroleum products (such as plastics) and garbage (any matter resulting from food preparation and/or consumption) are strictly prohibited from being burned anywhere in the state of Ohio, although there was no evidence of this occurring on your property.

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.

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: Bethel Township Fire Department, Miami County

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Howard Clifford Rodriguez</i> <i>9/24/09</i></p>
<p>1. Article Addressed to:</p> <p>Howard Clifford & Colleen Rodriguez 8910 S. Bellefontaine Road New Carlisle, OH 45344</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" 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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7008 1830 0003 0181 0873</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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City New Carlisle, OH 45344	
PS Form 3800, August 2005 See Reverse for Instructions	

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