



## 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

April 1, 2010

### Certified Mail

Kelley James Kimley  
7021 S. Charleston-Clifton Road  
South Charleston, OH 45368

Dear Mr. Kimley,

### WARNING LETTER

This letter serves as follow up to our conversation on March 29, 2010. The Regional Air Pollution Control Agency (RAPCA) received a complaint from the Southwest District Office (SWDO) of the Ohio Environmental Protection Agency (OEPA) on March 24, 2010, regarding the open burning of prohibited materials at your property on S. Charleston-Clifton Road (Parcel 160160900000023) in Madison Township, Clark County, Ohio. The Madison, Pitchin-Green and Cedarville Township Fire Departments responded to a fire at the above property on March 24, 2010, and observed a large pit (approximately 10' wide X 20' long X 5' deep) containing structural material from a demolished shed, a large tractor tire and motor oil. RAPCA then performed an inspection of the premises on March 29, 2010, but was unable to gain access to the burn site. The burn site was 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.
- \* Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) rule: 3745-19-04, Open Burning in Unrestricted Areas.

Pursuant to the above regulations, structural material does not meet the definition of residential or agricultural waste and is not permissible to burn for waste disposal. Furthermore, items containing rubber, grease, asphalt (such as shingles) or petroleum (such as plastics or motor oil) are strictly prohibited from being burned anywhere in the state of Ohio.

This letter serves as official notification to cease all open burning in violation of the aforementioned regulations. 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: Madison Township Fire Department  
Pitchin-Green Township Fire Department  
Cedarville Township Fire 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>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Kirsten Kimley April 2, 2008</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Kelley James Kimley  7021 S. Charleston-Clifton Rd.  South Charleston, OH 45368</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No  If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p style="text-align: center;">7008 1300 0001 9323 3341</p>