



## 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 19, 2010

**Certified Mail**

Toby Spencer

4368 Troy Road

Springfield, OH 45502

Dear Mr. Spencer,

### WARNING LETTER

This letter serves as follow up to our conversation on April 6, 2010. On April 5, 2010, the Regional Air Pollution Control Agency (RAPCA) received a complaint regarding the open burning being conducted on your property at 4368 Troy Road in German Township, Clark County, Ohio. RAPCA then performed an inspection of the premises on April 6, 2010, and observed a large burn pile, approximately 10' X 10' in size, containing demolition debris, including building insulation, structural and other miscellaneous material. The burn site was 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.**
- \* Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) rule: 3745-19-04, **Open Burning in Unrestricted Areas.**

Pursuant to the above regulations, open burning for disposal purposes is limited to waste classified as residential (any waste material, including landscape wastes, generated on a one-, two-, or three family residence as a result of residential activities, but not including garbage) and agricultural (waste material generated by crop, horticulture, or livestock production practices). Structural material and/or demolition debris do not meet the classification of residential or agricultural waste that is permissible to burn. Additionally, open burning of residential or agricultural waste (i.e. dry, untreated wood products) for disposal purposes is not permissible within **1,000 feet** of neighboring residences. Furthermore, items containing rubber, grease, asphalt or petroleum (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.

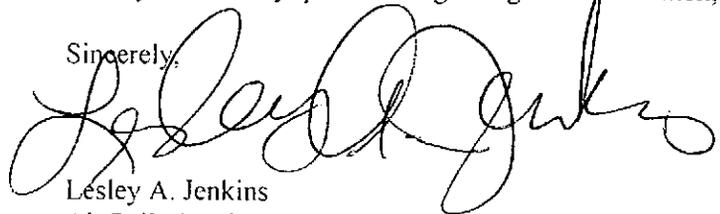
This letter serves as official notification to cease all open burning in violation of the aforementioned regulations. RAPCA strongly recommends that you find an alternate means of waste disposal in the future. Any further violations of the regulations will result in enforcement actions against you which could include criminal and/or civil penalties.



Toby Spencer  
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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: German 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 checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Toby Spencer 4-22-10</p>
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
Toby Spencer 4368 Troy Road Springfield, OH 45502	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.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7009 3410 0001 7190 7706

