



REGIONAL AIR POLLUTION CONTROL AGENCY

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

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Enforcement Case
BOOK

June 3, 2010

Certified Mail

Mr. Luke Smith
4191 Upper Valley Pike
Springfield, OH 45502

NOTICE OF VIOLATION (NON-HPV)

Summary

On April 1, 2010, the German Township Fire Department responded to a large fire containing trash and construction debris on the northeast corner of your property at 4191 Upper Valley Pike in German Township, Clark County, Ohio. A representative from the Regional Air Pollution Control Agency (RAPCA) inspected the property on May 7, 2010, and documented open burning of numerous materials in violation of state and local air pollution control regulations. As the property owner and individual responsible for the fire, you are hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Mr. Smith,

On the evening of April 1, 2010, the German Township Fire Department responded to a large fire containing trash, garbage and construction debris on the northeast corner of your property at 4191 Upper Valley Pike in German Township, Clark County, Ohio. Chief Tim Holman of the German Township Fire Department contacted the Regional Air Pollution Control Agency (RAPCA) to report the illegal open burning on April 2, 2010. On April 6, 2010, RAPCA attempted to perform an on-site inspection of your property, but was unable to gain entry due to a chain blocking the driveway. On May 7, 2010, the German Township Fire Department provided RAPCA with pictures taken of the April 1, 2010 fire, as well as a satellite picture that marked the location of the fire on your property and identified an alternate access lane to the burn site. RAPCA returned to your property with the Clark County Environmental Officer on May 7, 2010, and performed an inspection of the burn site. During the inspection, RAPCA observed a large area (approximately 150' X 150'), in which there were multiple burn piles containing the charred remains of various prohibited materials, including fiberglass, drywall, asphalt shingles, painted lumber, insulation, a window air-conditioning unit, metal structural material, plywood, carpet remnants, PVC piping, interior and exterior doors, a propane tank, paint cans, a bike tire, empty food and drink containers and tree segments, among other miscellaneous trash and demolition debris. The burn site is in a restricted area within 1,000 feet of multiple neighboring residences.

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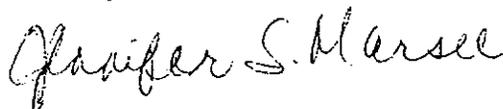
Pursuant to Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-19-03, **Open Burning in Restricted Areas**, the open burning of commercial waste, waste generated off site, and/or any materials containing rubber, grease, asphalt or liquid petroleum products and garbage (any matter generated from the preparation and/or consumption of food) is strictly prohibited in the state of Ohio. Additionally, it is unlawful to burn for waste disposal within a restricted area or within 1,000 feet of neighboring inhabited residences. The open burning that has occurred on your property is a violation of OAC rule and CCCHDAPCR section 3745-19-03 and Ohio Revised Code (ORC) 3704.05.

This letter serves as official notification of the aforementioned violations and requires immediate cessation of all unauthorized open burning activities. RAPCA believes the above open burning to be a serious matter and requires that you submit a written commitment to maintain compliance with all open burning regulations in the future within 14 days of receipt of this letter. This commitment shall include a detailed plan for disposing of the remaining waste materials in a manner that complies with all applicable air and solid waste regulations.

Acceptance of this compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in sections 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue or not to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

RAPCA appreciates your cooperation in this matter. If you have any questions regarding this matter or Ohio's open burning regulations, please contact Jefferis R. Canan at (937)225-5934 or Lesley A. Jenkins at (937)225-4453.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc: Chief Tim Holman, German Township Fire Department
Anne Kaup Fette, Clark County Combined Health District
Tom Kalman, OEPA
Lisa Holscher, USEPA

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Mr. Luke Smith
 4191 Upper Valley Pike
 Springfield, OH 45502

PS Form 3800, August 2006 See Reverse for Instructions

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