



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

August 14, 2009

Certified Mail

Shery Oakes, President

Design Homes & Development Co., Inc.

8534 Yankee St.

Centerville, OH 45458

WARNING LETTER

Dear Mrs. Oakes:

On August 13, 2009, the Regional Air Pollution Control Agency (RAPCA) received a citizen complaint regarding the open burning of construction debris at the Design Homes building site across the street from Lot 12 on Cold Springs Drive in Centerville, OH. RAPCA confirmed that evidence of open burning existed at this location and several burn piles were observed. The burning of construction debris is restricted, and is a violation of Ohio Administrative Code (OAC) 3745-19-04, "Open Burning in an unrestricted Areas" and Montgomery County Combined General Health District (MCCGHD) air pollution control regulations 3745-19-04 "Open Burning in an Unrestricted Area". A short summary of this rule is attached for your review.

This letter and the attached Official Montgomery County Board of Health Order serves as a warning from the Regional Air Pollution Control Agency to cease all open burning in violation of state air pollution control regulations. In the future, alternative means of disposal must be employed. Failure to comply or additional verified complaints may result in enforcement action that could result in civil or criminal penalties as provided by Ohio Revised Code sections 3704.03, 3704.05 and 3707.48.

If you have any questions regarding this matter, you may contact me at (937) 496-6751.

Sincerely,

Jason C. Simon

Air Pollution Control Specialist

Abatement Unit

cc: Washington Twp. Fire Dept.

STATE of OHIO ENVIRONMENTAL PROTECTION AGENCY

By: Regional Air Pollution Control Agency

Montgomery County

OFFICIAL ORDER

Name: Design Homes + Development Co., Inc.

Address: 8534 Yankee St. Centerville, OH. 45458

Location of Inspection: Building lot on Cold Springs Dr., Across from lot 12

An inspection of your premises has been made and you are Hearby Notified of the following violation(s):

Five open burning piles with construction debris were documented on this Design Homes building lot. The unlabeled lot was directly across the street from lot 12. The open burning of construction debris for waste disposal is a violation of OAC 3745-19-04 "Open Burning in an Unrestricted Area".

This is in violation of the Ohio Administrative Code (OAC) rule section 3745-19-04, and the Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGH D APCR) section 3745-19-04.

You Are Hearby Ordered To:

Cease all open burning in violation of OAC rule section 3745-19-04, and MCCGH D APCR section 3745-19-04.

Time Limitation: Immediate

Authority for Correction: OAC rule and MCCGH D APCR section 3745-19-04; Ohio Revised Code sections 3704.03, 3704.05, and 3707.48.

Service: Personal Posting Ordinary Mail Certified Mail

Person Issued To: Shery Oakes Position or Title: President

Date: 08/14/09

Enforcing Agent Signature: Jason C. Simon

Print Name: Jason C. Simon

Time: 8:30 am

Telephone Number: 937-496-6751

Section 3707.48. O.R.C. "No person shall violate sections 3707.01 to 3707.53, inclusive, of the Revised Code, or any order or regulation of the board of health of a city or general health district made in pursuance thereof, obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such order."

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Shery Oakes, President
 Design Homes & Development Co., Inc.
 8534 Yankee Street
 Centerville, OH 45458

2. Article Number
 (Transfer from service label)

7008 1830 0003 0181 3898

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Shery Oakes Addressee

B. Received by (Printed Name)

C. Date of Delivery

17 AUG 09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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For delivery information visit our website at www.usps.com

OFFICIAL USE

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Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total

Sent to: Shery Oakes, President
 Design Homes & Development Co., Inc.
 Street or PO: 8534 Yankee Street
 City, State, ZIP: Centerville, OH 45458

PS Form 3800, August 2006

See Reverse for Instructions