



## 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

May 9, 2007

**Certified Mail**

Mr. James Johnson  
2909 Lansing Drive  
Dayton, OH 45420

**WARNING LETTER**

Dear Mr. Johnson:

On May 8, 2007, the Regional Air Pollution Control Agency (RAPCA) received two citizen complaints regarding the open burning of construction waste and yard debris at 2909 Lansing Drive. The complainants stated that frequent open burning occurs at this location and they are concerned for their health and safety. The open burning of construction debris and yard waste in a restricted area is a violation of Ohio Administrative Code (OAC) and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) 3745-19-03. A restricted area is an area within the boundary of any municipal corporation, plus a zone extending one mile beyond any such municipal corporation. A copy of the rules have been provided to you.

This letter serves as a warning from the Regional Air Pollution Control Agency to cease all open burning in violation of both state and local air pollution control regulations. In the future, alternative means of disposal must be employed. Any future illegal burning may result in enforcement action which may include civil and criminal penalties as provided by the Ohio Revised Code.

If you have any questions regarding this matter, you may contact me at (937) 225-4435.

Sincerely,

Jason C. Simon  
Air Pollution Control Specialist  
Abatement Unit

Enclosure: Official Board of Health Order

STATE of OHIO ENVIRONMENTAL PROTECTION AGENCY

By: Regional Air Pollution Control Agency

Montgomery County  
**OFFICIAL ORDER**

Name: James Johnson

Address: 2909 E. Lansing Dr. Dayton, OH

Location of Inspection: Same as above

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

Evidence of OB of construction debris, treated wood, painted wood, plywood, etc. in a restricted area.

This is in violation of the Ohio Administrative Code (OAC) rule section(s) 3745-19-03,  
and the Montgomery County Combined General Health District Air Pollution Control  
Regulations (MCCGH D APCR) section(s) 3745-19-03.

**You Are Hereby Ordered To:**

Cease the open burning of construction debris and yard waste in violation of OAC 3745-19-03.

Time Limitation: Immediate Authority for Correction: OAC rule and MCCGH D APCR  
section(s) 3745-19-03;  
Ohio Revised Code sections 3704.03, 3704.05, and 3707.48.

Service:  Personal  Posting  Ordinary Mail  Certified Mail  
Person Issued To: James Johnson Position or Title: Property Owner

Date: 05/09/07 Enforcing Agent Signature: Jason E. Smith  
Print Name: Jason E. Smith  
Time: N/A Telephone Number: 937-470-6751

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 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"/> X <i>[Signature]</i></p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <i>5-16-04</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No  If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to:</p> <p>Mr. James Johnson  2909 Lansing Drive  Dayton, OH 45420</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered        <input type="checkbox"/> Return Receipt for Merchandise</p> <p><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>7004 1160 0000 6164 5373</p>
<p>PS Form 3811, February 2004                      Domestic Return Receipt                      102595-02-M-1540</p>	

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To: \_\_\_\_\_

Ser Mr. James Johnson  
Str 2909 Lansing Drive  
or  
Ct Dayton, OH 45420

PS \_\_\_\_\_ Instructions

7004 1160 0000 6164 5373