



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

February 28, 2007

Certified Mail

Michael Hoagland
WWJD and Recycling Center, LLC
725 Market Street
Troy, OH 45373

WARNING LETTER

Dear Mr. Hoagland:

On December 13, 2006, the Regional Air Pollution Control Agency (RAPCA), received two fire incident reports from the Troy Fire Department regarding the illegal burning of plastic coated wires at WWJD and Recycling Center, located at 641 South Union Street, Troy, Ohio. The reports indicate that on December 12, the Troy Fire Department responded to the scene at 5:59 PM and 7:26 PM and found waste material burning in a makeshift incinerator. During the initial response, the Fire Department found 4 foot long bundles of plastic coated insulated wire burning. The fire incident report states that you were informed that it was illegal to burn plastic coated materials without the proper permits. During the second response, the Fire Department and the Sheriff responded and found the same insulated wire burning. It was determined that you had restarted the fire after the initial Fire Department response.

Pursuant to Ohio Administrative Code (OAC) rule and Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) 3745-31-02(A)(1), "no person shall cause, permit, or allow the installation of a new source of air pollutants...without first obtaining a permit-to-install." An air contaminant source is an operation or activity that results or may result in the emission of particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor or odorous substances, or any combination thereof. The incinerator, discovered by the Troy Fire Department on December 12, 2006 in operation at WWJD and Recycling Center, is an air contaminant source and subject to OAC and MCBHLAPCR 3745-31-02(A)(1). Further, pursuant to OAC rule and MCBHLAPCR 3745-17-09(B), "no person shall cause, suffer, or allow to be emitted into the ambient air from any incinerators, particulate emissions in the exhaust gases in excess of: 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, for incinerators having incineration capacities equal to or greater than one hundred pounds per hour; or 0.20 pound per one hundred pounds of liquid, semisolid or solid refuse and salvageable material charged for incinerators having incineration

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capacities less than one hundred pounds per hour." In order to meet this emissions requirement, incinerators are required to employ best available technology (BAT), a combination of work practices and/or air pollution control devices that have been previously demonstrated to operate satisfactorily on similar air pollution sources. The most commonly employed BAT measure is the use of an afterburner or other similar control device. BAT was not being employed during the operation of the incinerator on December 12, 2006 during the Troy Fire Department's incident response. The installation and operation of an air contaminant source without first obtaining a permit to install is a violation of OAC rule 3745-31-02(A)(1), MCBHLAPCR 3745-31-02(A)(1) and Ohio Revised Code (ORC) 3704.05.

The operation of an uncontrolled incinerator is a serious violation. In order to address this violation, RAPCA is requiring that, within fourteen (14) days, you submit a written commitment to maintain compliance with all air pollution regulations in the future and that you contact RAPCA to schedule an inspection of the facility. This written commitment shall include a detailed plan for disposing of the remaining waste materials. The manner of waste disposal shall comply with all applicable air and solid waste regulations. Any further actions in violation of the above mentioned rules may result in an enforcement action with civil and/or criminal penalties.

Please contact me at 937-225-4004 if you have any questions concerning this matter and/or to schedule the required inspection.

Sincerely,



Eileen C. Moran
Air Pollution Control Specialist

cc: Chief Chris Boehringer, Troy Fire Department