

# 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

October 7, 2008

- returned to RAPCA 10/28/08  
- resent via regular mail 10/30/08

**Certified Mail**

James Risner, Jr.

8945 E. U.S. RT 40

New Carlisle, Ohio 45344

Dear Mr. Risner,

## WARNING LETTER

On October 1, 2008, the Regional Air Pollution Control Agency (RAPCA) received a complaint regarding open burning on your property at 8945 East U.S. Route 40 in Bethel Township, Miami County, Ohio. The complainant claimed the open burning activities occurring on your property were creating visibility hazards on U.S. Route 40, due to the resulting smoke rolling across the roadway. RAPCA then performed an inspection of the premises on October 2, 2008 and observed a large, smoldering burn pile, approximately 10' X 8' X 3' in size, containing a large tree trunk on top of unidentifiable charred remains from prior open burning. 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.**
- \* Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule: 3745-19-04, **Open Burning in Unrestricted Areas.**

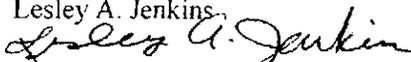
Pursuant to the above regulations, open burning of residential and landscape waste (i.e. clean, dry wood products) for disposal purposes is not permissible within 1,000 feet of neighboring residences. Additionally, the above regulations do not allow open burning to create a visibility hazard on roadways, railroad tracks or air fields. While recreational fires, including barbecues, campfires and cookouts, are permitted, they must be a maximum of 2' high by 3' wide and must contain untreated, clean, seasoned firewood only. They cannot be conducted for the sole purpose of waste disposal.

During the inspection on September 22, 2008, a RAPCA representative left a pamphlet summarizing Ohio's open burning regulations. 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.

RAPCA appreciates your cooperation in this matter. If you have any questions regarding this information, please call me at (937) 225-4533.

Sincerely,

Lesley A. Jenkins



Air Pollution Control Specialist

cc: Bethel Township Fire Department, Miami County

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**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:

James Risner Jr.  
8945 E. U.S. RT. 40  
New Carlisle, OH 45344

2. Article Number  
(Transfer from service label)

7007 1490 0004 7509 9316

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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