

Entire Book



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

March 2, 2009

Certified Mail

Mr. Everett Lykins
9070 S. Bellefontaine Road
New Carlisle, Ohio 45344

NOTICE OF VIOLATION (Non-HPV)

Summary

On September 22, 2008 and October 17, 2008, the Regional Air Pollution Control Agency (RAPCA) documented the unauthorized open burning of household trash, furniture, paint cans, diapers, plastics, wood and other miscellaneous debris at your residence on 9070 South Bellefontaine Road. This open burning is in violation of state and local air pollution control regulations. As the property owner and individual responsible for the fires, you are hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Mr. Lykins:

On October 17, 2008, RAPCA received a complaint regarding a large fire on your property at 9070 South Bellefontaine Road in Bethel Township, Miami County, Ohio. The fire reportedly began the night of October 16 and burned through the early hours of October 17, 2008. The Bethel Township Fire Department responded to the fire on October 16 and documented the open burning of a large pile containing household trash, a mattress, gallon paint cans, diapers, straw and wood.

In response to the complaint, RAPCA performed an investigation on October 17, 2008. No one was able to be reached on the property at the time of RAPCA's inspection. A large burn site was observed, approximately 15' X 8' X 3' in size, containing the smoldering remains of mattresses, furniture, diapers, paint cans, food containers, plastics, straw, wood and other miscellaneous trash. The burn site was located within 1,000 feet of several neighboring homes in an unrestricted area. This open burning is in violation of the following state and local air pollution control regulations:

- * Ohio Administrative Code (OAC) rule: 3745-19-04 (B)(3), Open Burning in Unrestricted Areas.
- * Miami County Board of Health Air Pollution Local Air Pollution Control Regulations (MCBHLAPCR) rule: 3745-19-04 (B)(3), Open Burning in Unrestricted Areas.
- * Ohio Revised Code 3704.05 (G)

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Pursuant to the above regulations, the open burning of garbage and materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited in Ohio. Additionally, no open burning of any material for waste disposal may occur within 1,000 feet of neighboring residences. This distance requirement cannot be met on your property, therefore **NO waste disposal open burning is permissible**. It is also unlawful to haul material off site to another location for burning.

The October 2008 open burning incident is the second unauthorized fire documented by RAPCA at your residence in the course of one month. On September 22, 2008, RAPCA documented an open burning violation and posted an Official Order on your front door for the burning of trash, food products and plastics in a 55-gallon drum. A Certified Warning Letter was mailed to you on September 23, 2008 advising you of the violation and applicable regulations. The Warning Letter was unclaimed.

An Official Order was posted on the front door for the violation which was documented by RAPCA on October 17, 2008. Also posted was a copy of the Order issued on September 22, 2008, and the unclaimed Certified Warning Letter dated, September 23, 2008.

Due to the repeated open burning violations documented at your residence, RAPCA requires that, within 14 days of receipt of this letter, you submit a written commitment to maintain compliance with all open burning regulations in the future. This commitment shall include a detailed plan for disposing of the remaining material and any other trash generated on the property and shall comply with all applicable air and solid waste regulations.

Acceptance of the 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 section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact Christine Swetz at (937) 496-7541.

Sincerely,



Jennifer Marsee
Supervisor
Abatement Unit

cc: Bethel Township Fire Department, Miami County
Miami County Health District, Environmental Health
Lisa Holscher, USEPA
Tom Kalman, Ohio EPA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Mr. Everett Lykins 9070 S. Bellefontaine Road New Carlisle, OH 45344	B. Received by (Printed Name)	C. Date of Delivery 3-5
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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