



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 23, 2009

Certified Mail

Otto Durst

6677 East State Route 571

Tipp City, OH 45371

Dear Mr. Durst,

WARNING LETTER

This letter serves as follow up to our conversation on March 20, 2009. The Regional Air Pollution Control Agency (RAPCA) received a complaint on March 20, 2009, regarding the open burning of structural material on your property at 6677 East State Route 571 in Bethel Township, Miami County, Ohio. RAPCA then performed an inspection of the premises later that same day and observed two large, smoldering burn piles, approximately 20' X 15' and 15' X 8' in size, containing brush and structural material including wooden beams with nails, bricks, cinder blocks, metal stripping and other miscellaneous debris. 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 waste (i.e. dry, untreated wood products) for disposal purposes is not permissible within 1,000 feet of neighboring residences. Additionally, structural material does not meet the definition of residential waste and is not permissible to burn for waste disposal. Furthermore, it is unlawful to bring waste generated elsewhere on site to openly burn for the purpose of waste disposal.

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. The open burning pamphlet I left you with further explains Ohio's open burning regulations. 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)

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. 	<p>A. Signature X <i>Otto Durst</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 3-26-09</p>
<p>1. Article Addressed to:</p> <p>OTTO DURST 6677 EAST STATE ROUTE 571 TIPP CITY, OH 45371</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7002 0510 0000 7312 1304</p>	