

Gas Copy



# 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

April 29, 2009

Certified Mail  
Shannon Davis  
9860 E Haskett Ln  
Dayton, OH 45424

Dear Mr. Davis:

### WARNING LETTER

On April 27, 2009, the Regional Air Pollution Control Agency (RAPCA) received multiple complaints that roofing materials, including plywood, tar paper and shingles, were burned, on April 26, 2009, at 9860 East Haskett Lane in Bethel Township, Miami County, Ohio. The complainants stated that this material was hauled in from an off-site location to be burned. RAPCA representative Brandie Lehman responded to the complaints on April 27, 2009, but no one answered the door to this residence during RAPCA's visit. RAPCA did observe the burn pile from the road and determined that it was used for waste disposal purposes and appeared to contain tar paper, shingles and miscellaneous construction debris. RAPCA also observed two burned tree stumps in the front yard of this residence. These burn sites were located in a restricted area and within 1,000 feet of neighboring residences.

Pursuant to Ohio Administrative Code (OAC) rule and Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) section 3745-19-03, Open Burning in Restricted Areas, open burning for residential waste disposal purposes is prohibited in any area within the boundary of any municipal corporation, such as the city of Huber Heights, plus a zone extending one mile beyond any such municipality with a population of ten thousand persons or more. Upon research conducted by RAPCA, we have determined that this location is within one mile of Huber Heights city limits and therefore open burning for residential waste disposal purposes is prohibited.

In addition, items that can never be burned, anywhere in the state of Ohio, include items that contain rubber, grease, asphalt or that are made from liquid petroleum products, such as tar paper and shingles. Also, open burning for waste disposal purposes is prohibited within 1,000 feet of neighboring residences and materials generated off-site are not permitted to be burned, anywhere in the state of Ohio.

RAPCA received information on April 28, 2009, that additional open burning had occurred at 9860 East Haskett Lane in Bethel Township on the evening of April 27, 2009. That same day, RAPCA representative Christine Swetz conducted a second inspection of the above property. During that investigation, a large burn pile, approximately five feet in diameter and two and a half feet in height, was observed containing the remains of shingles, construction debris and other miscellaneous trash that could not be identified. Several unburned items were also present on the pile, including a cardboard box, vinyl mats, carpet and plastic. Ms. Swetz spoke with property owner Donna Davis and explained the open burning regulations to her and also the reasons why the open burning which had occurred at this property was in violation of these regulations. A pamphlet summarizing Ohio's open burning regulations was left with Ms. Davis

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who explained that her son, Shannon Davis, was responsible for the burning of roofing and construction debris from a business he was starting. Ms. Davis stated that no more burning would occur and the remaining material would be taken to a solid waste disposal facility.

The open burning which has occurred, due to the fact that prohibited materials were burned, materials were burned that were generated off-site, the burn sites were located in a restricted area and located within 1,000 feet of neighboring residences, is in violation of OAC rule and MCBHLAPCR section 3745-19-03. This letter serves as official notification from RAPCA to cease all open burning activities in violation of state and local air regulations. **RAPCA requires that any remaining waste on this property be disposed of in a manner which is in compliance with all air and solid waste regulations.** Any further violations of the air regulations will result in further enforcement actions against you, which include possible criminal and/or civil penalties.

If you have any questions regarding the open burning regulations, feel free to contact me at (937) 225-5923.

Sincerely,



Brandie K. Lehman

Air Pollution Control Specialist

Cc: Chief Carol Blackburn, Bethel Township Fire Department  
Charles A. Cox, Miami County Sheriff  
Donna Davis, Property Owner