



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 30, 2009

Certified Mail

Ms. Karen Mattes
2315 Merrimont Dr.
Troy, OH 45373

Dear Ms. Mattes:

WARNING LETTER

On April 28, 2009, in response to an open burning complaint, a representative from the Regional Air Pollution Control Agency (RAPCA) performed an inspection of your property at 2315 Merrimont Drive in Troy, Ohio. A burn site, approximately five feet in diameter, was observed in the back yard, containing the remains of landscape wastes, including plants, grasses, brush and green shrubbery. The burn pile was less than 1,000 feet from numerous neighboring residences and located in a restricted area. This open burning is in violation of the following state and local air pollution control regulations:

- * Ohio Administrative Code (OAC) rule: 3745-19-03
Open Burning in Restricted Areas.
- * Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule 3745-19-03, Open Burning in Restricted Areas.

Pursuant to the above regulations, waste disposal open burning of residential/landscape waste is not permissible in restricted areas or within 1,000 feet of neighboring residences. Furthermore, the contents of the burn site which RAPCA documented did not meet the requirements for a recreational fire or bonfire (discussed below).

No one was present at the time of RAPCA's investigation so an Official Order was posted for the violation. This letter serves as official notification to cease all open burning in violation of the aforementioned regulations.

Recreational fires and bonfires are permissible in restricted areas per the above rules, however, for fires greater than three feet in diameter/two feet in height, notification to RAPCA is required. The following conditions must be met for any recreational fire or bonfire:

1. The burn site has a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours:
2. The fire is not used for waste disposal purposes: and

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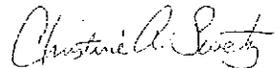
3. The fire is fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

Additionally, RAPCA advises you of the 'public nuisance' regulation contained in OAC rule and MCBHLAPCR rule 3745-15-07, Air Pollution Nuisances Prohibited, which states, ". . . *the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.*"

Area residents have reported adverse effects from your burning activities. Given the close proximity of neighboring homes, RAPCA discourages any future open burning on your property. If you do elect to light a recreational fire, please be cognizant of the neighbors in your area and aware that some individuals suffer from respiratory ailments such as asthma or emphysema. Please consider burning only on days when the air contaminants will be readily dissipated and when wind patterns will allow the fewest homes to be affected by the emissions from your fire. Please also be aware of the public nuisance provision referenced above as well as the liability which may result from property damage to neighboring residences as a result of burning and take all necessary precautions to minimize the generation and emission of debris and air contaminants.

RAPCA appreciates your cooperation in this matter. A pamphlet summarizing Ohio's open burning regulations is enclosed for your information. If you have any questions regarding this matter or the enclosed material, you can reach me at (937) 496-7541.

Sincerely,



Christine A. Swetz
Air Pollution Control Specialist
Abatement Unit

Enclosure

cc: Chief Christopher Boehringer, Troy Fire Department

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:

MS KAREN MATTES
2315 MERRIMONT DRIVE
TROY, OH 45373

2. Article Number
(Transfer from service label)

7008 1300 0001 2695 0611

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature X <i>Karen Mattes</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
B. Received by (Printed Name) <i>Karen Mattes</i>	C. Date of Delivery <i>5-6-04</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	

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) Yes

