



## 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 20, 2009

### Certified Mail

Peter J. & Kathleen Avnaim  
920 Pinehurst Drive  
Troy, OH 45373

Dear Mr. Avnaim,

### WARNING LETTER

On June 30, 2009, the Regional Air Pollution Control Agency (RAPCA) received a complaint regarding open burning being conducted on your property at 920 Pinehurst Drive in Monroe Township, Miami County, Ohio. After inspecting the premises that same day, RAPCA ultimately issued you an informative letter on July 2, 2009, explaining Ohio's open burning regulations. The letter stated that because you live in a restricted area (within 1,000 feet of the limits of the city of Troy), the only open burning that may be legally conducted on your property is recreational fires (such as barbecues, campfires and cookouts) at a maximum size of 2' high by 3' wide, so long as they are fueled with untreated, seasoned fire wood only. On September 29, 2009, RAPCA received a complaint that open burning being conducted on your property was creating noxious smoke that was spreading to neighboring properties. RAPCA conducted an inspection on October 5, 2009, and observed a circular burn ring, approximately 6' in diameter, containing leaves, hedge apples and other unidentifiable charred remains. The burn site was located in a restricted 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:

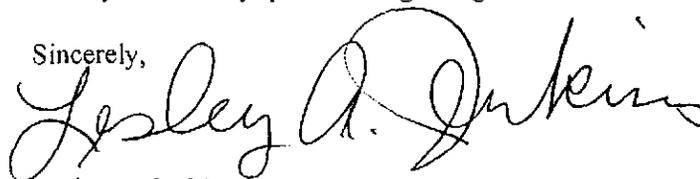
- \* Ohio Administrative Code (OAC) rule: 3745-19-03, Open Burning in Restricted Areas.
- \* Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule: 3745-19-03, Open Burning in Restricted Areas.

Pursuant to the above regulations, it is not permissible to conduct waste disposal burns in restricted areas or within 1,000 feet of neighboring residences. RAPCA would like to point out, once again, that while recreational fires are permissible, they can only be fueled with untreated, seasoned firewood. Leaves and hedge apples do not qualify as untreated, seasoned firewood. Additionally, unseasoned, green brush, such as the hedge apples observed in your burn ring, is not appropriate material for burning due to its incomplete combustion and resulting emissions and odors.

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) 225-4453.

Sincerely,

A handwritten signature in cursive script that reads "Lesley A. Jenkins". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Lesley A. Jenkins  
Air Pollution Control Specialist

cc: Tipp City Fire Department

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            P. Avnaim</p> <p>C. Date of Delivery            10-21-09</p>
<p>1. Article Addressed to:</p> <p>Peter J. &amp; Kathleen Avnaim            920 Pinehurst Drive            Troy, OH 45373</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input checked="" 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)</p>	<p>7008 1830 0003 0181 3751</p>
<p>PS Form 381-1, February 2004</p>	<p>Domestic Return Receipt    102585-02-M-1540</p>

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To  
 Peter J. & Kathleen Avnaim  
 920 Pinehurst Drive  
 Troy, OH 45373

Sen  
 Street or P.O. Box  
 City

PS Form 3800, August 2006    See Reverse for instructions