



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-3280

937-255-4435 — Fax: 937-225-3486

www.rapca.org

February 25, 2011

Certified Mail

Frederick J. Kendall
2375 Monroe Concord Road
Troy, OH 45373

Dear Mr. Kendall,

WARNING LETTER

On February 17, 2011, the Regional Air Pollution Control Agency (RAPCA) received a complaint regarding the open burning being conducted on your property at 2375 Monroe Concord Road in Concord Township, Miami County, Ohio. RAPCA conducted an inspection later that same day and observed a large burn pile, approximately 15' X 15' in size, containing tree limbs and paper products, among other unidentifiable material remains. 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, it is not permissible to conduct open burning for waste disposal purposes within **1,000 feet** of neighboring residences. RAPCA would also like to note that it is unlawful to burn items containing rubber, grease, asphalt or petroleum (such as plastics) and garbage (any matter resulting from food preparation and/or consumption) anywhere in the state of Ohio, though no evidence of this was documented during the inspection.

The above-cited regulations do, however, permit recreational fires at a maximum size of 3' in diameter by 2' high, so long as they contain **untreated, seasoned firewood only** and are not used for waste disposal purposes. Recreational fires should also be continuously monitored. **Recreational fires may not be used for disposal purposes to circumvent the OAC Open Burning Regulations.** Please be cognizant of your neighbors and the wind direction/weather conditions when conducting a recreational fire to assure that it is maintained in a nuisance-free fashion.

Kendall
February 25, 2011

This letter serves as official notification to cease all open burning in violation of the aforementioned regulations. RAPCA performs an on-site inspection in response to every complaint that is received. Any further violations of the regulations will result in enforcement actions against you which could include criminal and/or civil penalties.

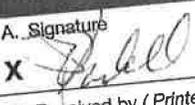
RAPCA appreciates your cooperation in this matter. The enclosed pamphlet further summarizes Ohio's open burning regulations. If you have any questions regarding this information, please call me at (937) 225-4453.

Sincerely,



Lesley A. Jenkins
Air Pollution Control Specialist

cc: Troy Fire Department

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<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"/> 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Fredrick J. Kendall 2375 Monroe Concord Road Troy, OH 45373		B. Received by (Printed Name)	C. Date of Delivery
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