



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties
117 South Main Street, Dayton, Ohio 45422-3280
(937) 225-4435 – Fax: (937) 225-3486

August 29, 2012

Certified Mail

Mr. Darrel Baker and Mr. Harry Smithwick
2086 Scheying Rd.
Lewisburg, OH 45338

WARNING LETTER

On July 17, 2012, and on August 24, 2012 the Lewisburg Fire Department was dispatched to 2086 Scheying Rd., Lewisburg, OH 45338, in response to open burning. The Fire Department's response and investigation found trash, furniture and other household items burning at this address. The open burning that occurred is a violation of state air pollution control regulations. As the individuals responsible for the fires, you are hereby notified of these findings and ordered to cease all unauthorized open burning activities.

Pursuant to Ohio Administrative Code (OAC) rule Regulations section 3745-19-04, **Open Burning in Unrestricted Areas**, the open burning of trash, furniture and other household items burned for waste disposal is strictly prohibited in the state of Ohio. The open burning that has occurred at this property is a violation of OAC rule 3745-19-04 and Ohio Revised Code (ORC) 3704.05.

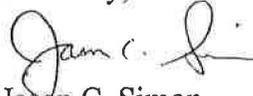
This letter serves as official notification of the aforementioned violations and to cease all unauthorized open burning activities immediately. RAPCA believes the above open burning to be a serious matter and requires that, within 14 days of receipt of this letter, you submit a written commitment to maintain compliance with all open burning regulations in the future. This commitment shall include a detailed plan for disposing of any the remaining waste materials. The manner of waste disposal shall comply with all applicable air and solid waste regulations.

Acceptance of this compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in sections 3704.06 and 3707.49 of the Revised Code. The determination whether to pursue or not to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

Page 2
August 29, 2012

RAPCA anticipates and appreciates your cooperation. If you have any questions regarding this matter or Ohio's open burning regulations, feel free to contact Jason Simon at (937) 496-6751.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason C. Simon". The signature is fluid and cursive, with a large initial "J" and a distinct "S" at the end.

Jason C. Simon
Enforcement Group, Abatement Unit
Regional Air Pollution Control Agency

**cc: Federal National Mortgage Association
Lewisburg Fire Department
Preble County Health Department**

Enclosure: Ohio's Open Burning Regulations