



## 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

November 27, 2012

### Certified Mail

Mr. Steve Hindi

4101 Soldiers Home West Carrollton Road

Dayton, OH 45402

### WARNING LETTER

Mr. Hindi,

On November 16, 2012, the Moraine Fire Department was dispatched to 4101 Soldiers Home West Carrollton Road, Montgomery County, Ohio, in response to an illegal burn containing tires, and other debris. The Fire Department's response and investigation found items that included household waste and tires. The open burning that occurred is a violation of state and local air pollution control regulations. As the property owner, and individual responsible for this property, you are hereby notified of these findings and ordered to cease all unauthorized open burning activities.

Pursuant to Ohio Administrative Code (OAC) Regulation section 3745-19-03, **Open Burning in Restricted Areas** and Montgomery County Combined Board of Health Air Pollution Control Regulations (MCCBHAPCR) 3745-19-03, the open burning of household waste and tires is strictly prohibited in the state of Ohio. The open burning that has occurred at this property is a violation of OAC rule 3745-19-03, (MCCBHAPCR) 3745-19-03, and 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 plan for disposing of any the remaining trash or 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 Ohio 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.

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

Sincerely,

A handwritten signature in black ink that reads "Jason C. Simon". The signature is written in a cursive style with a large initial "J" and a distinct "C" and "S".

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

cc: Moraine Fire Dept.

Attachments: Ohio's Open Burning Regulations