REGIONAL AIR POLLUTION CONTROL AGENCY
Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties
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December 19, 2012

Certified Mail
Mr. Adam Hollinger
2281 Richmond-Palestine Rd
New Madison, OH 45346

Dear Mr. Hollinger:

WARNING LETTER

The purpose of this letter is to document the open burning incident that occurred on December 6, 2012 at the New Madison Pullets poultry facility located on 62 Billman Road in Darke & Preble Counties. This letter also serves to clarify the state and local open burning and asbestos regulations and is being issued to the property owner, Donald Beltz.

At approximately 12:10 PM and 12:20 PM on December 6, 2012, the Regional Air Pollution Control Agency (RAPCA) received two complaints regarding a large fire in a burn pit at New Madison Pullets on 62 Billman Road. One of the callers allegedly witnessed material from a demolished structure being burned along with fence row brush. In response to the complaints, RAPCA phoned the New Madison Fire Department who responded to the scene. A RAPCA inspector arrived on site at approximately 2:15 PM on December 6, 2012 and met with you, the site's contractor, and Fire Chief Roger Hunt.

No open burning was documented at the time of the inspection. You stated that you had burned fence row brush earlier that day in a pit approximately 25 feet and had buried the material already, as evidenced by the freshly disturbed soil on site. At that time, the RAPCA inspector explained the following open burning regulations to you:

- Pursuant to Ohio Administrative Code (OAC) rule and Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR) section 3745-19-04, the open burning of structural materials from residential and commercial buildings (including houses, garages, barns, sheds/out-buildings) is NOT permissible.

- The open burning of agricultural waste (i.e. clean dry wood/brush) for waste disposal is not permissible within 1,000 feet of a neighboring inhabited building and the material must be must be stacked and dried to provide the best practicable condition for efficient burning. (The area of the burn pit was greater than 1,000 feet from neighboring residences.)

- It is not permissible to open burn material for waste disposal that has been generated off the premises or transported to/from another property.

Additionally, for the disposal of agricultural waste, please note that pursuant to OAC rule and DCBHAPCR section 3745-19-04 (B)(3)(f), prior notification to the Ohio EPA is required if the size of the waste pile exceeds 20 feet in diameter by 10 feet in height (or four thousand cubic feet).

Also during the December 6, 2012 inspection, the RAPCA inspector observed a demolished structure at the Billman Road property site. The structure consisted of a wood barn. As the owner and/or operator of the site, it is required to have an asbestos survey on all farm buildings and residential structures (if two or more residential structures are planned for demolition and/or renovation activities) and notification submitted to the RAPCA office. The Ohio Environmental Protection Agency Notification of Demolition and Renovation Form is required to be submitted prior to the demolition of commercial, farm and applicable residential structures. Pursuant to OAC rule and DCBHAPCR section 3745-20-02(A), 3745-20-03(A) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61.145(a) and 40 CFR Part 61.145(b), you are required to perform an asbestos survey and file a Notification of Demolition and Renovation Form prior to the actual demolition operation. The demolition notification is required to be submitted at least ten (10) working days prior to the actual demolition occurring. Proper notification is a federal and state requirement which was established to ensure facilities are inspected for asbestos-containing material and that removal of asbestos is performed consistent with the asbestos regulations prior to any demolition activity. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion dates of the work, the location of the site, the names of the operators and/or asbestos removal contractors, methods of removal and the amount, if any, of asbestos located within the structure. No notification for the above barn demolition was received by RAPCA. Failure to properly notify, as required by the asbestos regulations, constitutes a violation of OAC rule and DCBHAPCR section 3745-20-02(A), 3745-20-03(A) and 40 CFR Part 61, Subpart M.

This letter serves as official notification of the above federal, state and local violations and advises you of the applicable open burning regulations. RAPCA is not pursuing penalties for the violations at this time. Any future asbestos and/or open burning violations may result in enforcement actions against you including civil penalties.

If you have any questions regarding the above open burning information, I can be reached at (937) 496-7541. If you have any questions regarding the asbestos regulations, please contact Sarah Gostomsky at (937) 225-5947.

Sincerely,

Christine A. Swetz

Christine A. Swetz
Air Pollution Control Specialist
Abatement Unit

cc: New Madison Fire Department
Corrie Holthaus, Darke County General Health District (via e-mail)
Krista Fourman, Darke County Solid Waste District (via e-mail)
Preble County General Health District