

Air Pollution Control Division

Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

James M. Adams, R.S., MPH
Health Commissioner

Daniel J. Aleman, M.S., PE
APCD Administrator

Mr. Lanny L Soliday Jr
208 37th ST SW
Canton, OH 44706
Canton Township

COPY

Tuesday, September 30, 2008

Certified Mail
Stark County

Re: Notice of Violation: Ohio Administrative Code 3745-19-03; unauthorized illegal open burning in a restricted area.

Dear Mr. Soliday:

The Canton City Health Department, Air Pollution Control Division (APCD) represents the Ohio EPA in air quality matters within Stark County. As such, APCD employees are charged with the responsibility of investigating and enforcing Ohio EPA (OEPA) air pollution regulations. APCD employees are authorized under Ohio Revised Code 3704.03 (L) to enter upon private property to determine if there is noncompliance with OEPA regulations.

On Monday, September 29, 2008 at 3:36 p.m., I inspected your residential property for illegal open burning of leaves at 208 37th ST SW, Canton, OH 44706 in Canton Township of Stark County. I photographed the open burning for yard waste disposal evidence in a small open burn area in the front of your home, a violation of The Ohio Administrative Code 3745-19-03. Stark County property and phone records show that this residence is owned and occupied by Roberta J. and Lanny L. Soliday Jr.

Since this residential property is located in what the Ohio Administrative Code 3745-19-01 (J) defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03 (B); open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA; bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

1. *They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;*
2. *They are not used for waste disposal purposes; and*
3. *They shall have a total fuel area of three feet or less in diameter and two feet or less in height.*

According to the Ohio EPA; open burning can release many kinds of toxic fumes. Leaves and plant materials send aloft millions of spores when they catch fire, causing many people with allergies to have difficulty breathing. The pollutants released by open burning also make it more difficult to meet health-based air quality standards, especially in or near large cities. The gases released by open burning can also corrode metal siding and damage paint on buildings. Burning household waste produces many toxic chemicals and is one of the

largest known sources of dioxin in the nation. Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury. These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

Be aware that, The Ohio Administrative Code 3745-19-06 Open burning unilateral order;

1. *The director may assess and collect administrative penalties from any person who violates any of the rules in this chapter. Through unilateral orders, the director may assess a violator not more than **\$250.00 per day** for each separate violation of the rules in this chapter for open burning on residential property and not more than \$1,000.00 per day for each separate violation of the rules in this chapter for open burning on industrial, commercial, institutional, or municipal property. Commercial property includes construction sites, including, but not limited to, the construction of residential homes, if the sites are not properly permitted under section 3704.11(C) of the Revised Code. A separate violation is assessed for each day (24-hour period) the violation occurs.*
2. *The director's authority under paragraph (A) of this rule is in addition to, and not in limitation of, the director's authority under section 3704.06 of the Revised Code to request the attorney general to initiate legal action to seek penalties of not more than twenty-five thousand dollars for each day of each violation for the violation of rules in this chapter.*

The state law referenced in this letter issued by this Agency is OAC 3745-19-03 (*Unauthorized burning in restricted areas*) which is authorized by The Ohio Revised Code (ORC) 3704.03 (*Powers of director of environmental protection*). ORC 3704.05; (*Prohibited acts*) is the rule that would be utilized by the law department to seek a penalty by ORC 3704.99 (*Penalties*) of a fine not more than **\$25,000.00 or imprisonment of not more than one year, or both**, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

You are strongly advised to conduct any future open burning in strict compliance with the Ohio EPA regulations so as to avoid any further response from this Agency. Should you have any questions concerning this letter or the open burning regulations, please contact me at (330) 489-3385.

Sincerely,



Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

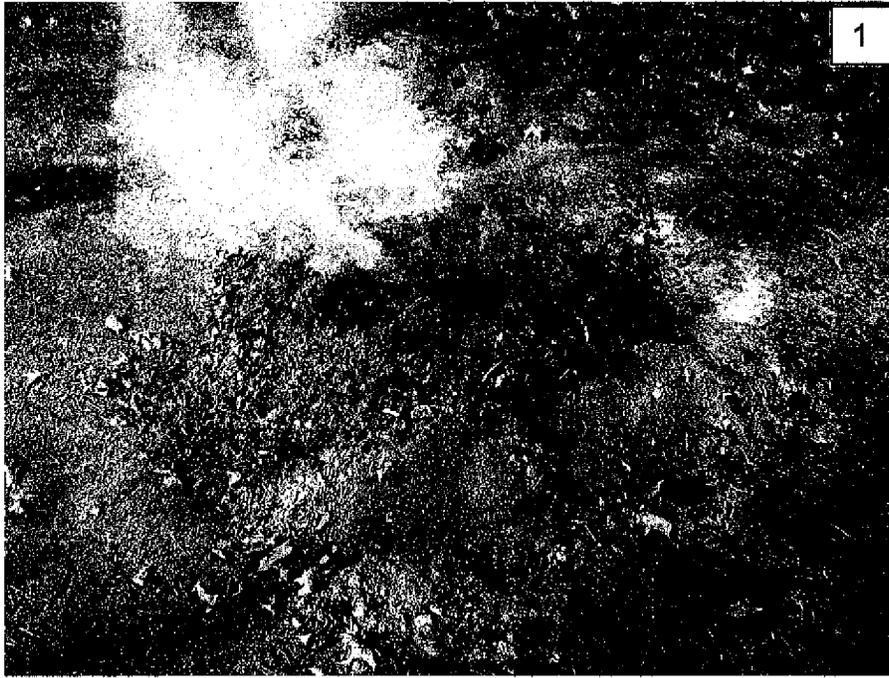
Enc:

- 1) OAC 3745-19-03; and
- 2) Stark County recycling locations.

Pc:

- 1) Open burn file; and
- 2) NOV Correspondence file, September 2008.

DT / dt



The photograph shows residential open burning of leaves evidence in an open burn area in front of the home of Mr. Lanny L Soliday Jr.

208 37th ST SW, Canton, OH 44706. The photograph was taken by Ohio EPA Staff Field Inspector II, Denny Tan on 09/29/08 at 3:36 p.m.

U.S. Postal Service
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7008 0150 0001 8204 9373

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Total Postage & Fees	\$ 7.49



Sent To
LANNY SOLIDAY
 Street, Apt. No., or PO Box No. **208 37TH ST SW**
 City, State, ZIP+4 **CANTON, OH 44706**

SENDER COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

LANNY SOLIDAY
 208 37TH ST SW
 CANTON, OH 44706

2. Article Number
 (Transfer from service label) **7008 0150 0001 8204 9373**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Lanny Soliday

B. Received by (Printed Name) **Lanny Soliday** C. Date of Delivery **10/24/07**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes