

Air Pollution Control Division

APC Contractual Representative
Serving All of Stark County

Canton City Health Department

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

James M. Adams, R.S., M.P.H.
Health Commissioner

Terri Dzienis
Acting APCD Administrator

CERTIFIED MAIL

Daniel DeSantis
DeSantis Enterprises
3060 Columbus Road NE
Canton, OH 44705

September 14, 2011

Re: Fugitive Dust Violations, 522 Gilmore Ave NW, August 31, 2011

COPY

Dear Mr. DeSantis:

On August 31, 2011 I observed and documented an ongoing house demolition being conducted by your company. Significant quantities of fugitive dust were being generated with no means of dust control being applied. Please be aware that this operation was in violation of Ohio EPA rule Ohio Administrative Code 3745-17-08 (B) which prohibits the generation of fugitive dust without the use of reasonably available control measures, such as the use of water in the so-called "Appendix A" areas. The city of Canton is an Appendix A Area.

Your company was also in violation of EPA rule Ohio Administrative Code 3745-17-08 (B)(7) which requires covering of open bodied vehicles when transporting materials likely to become airborne.

Also, please be aware that Canton City Ordinance 749.11 (c) allows the City to revoke permits when business is conducted in such manner as to create a public nuisance.

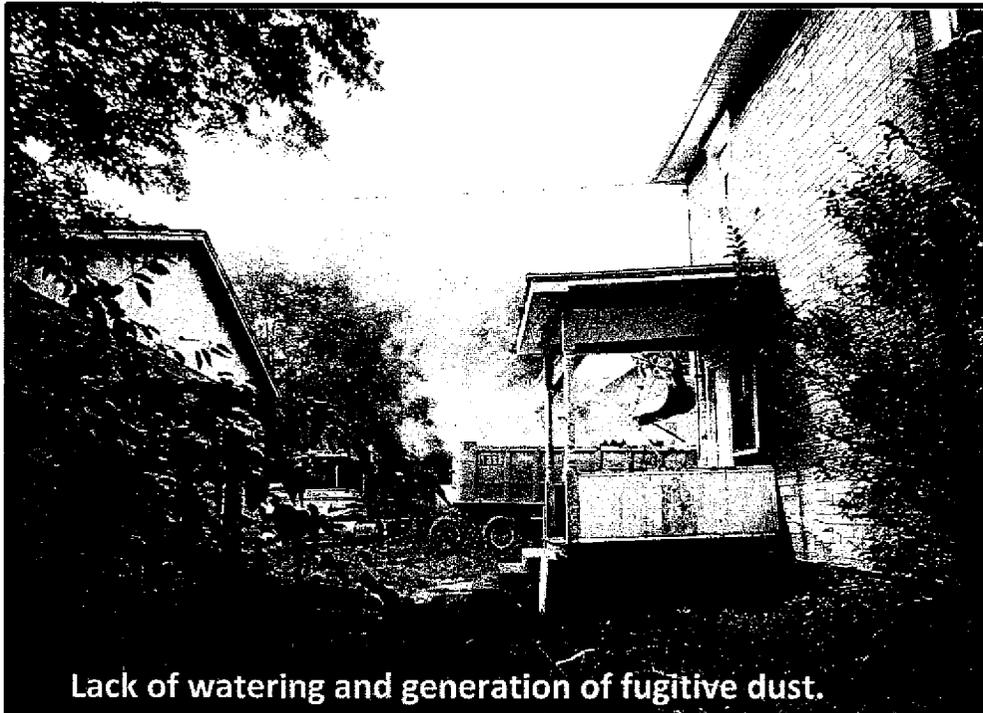
Sincerely,



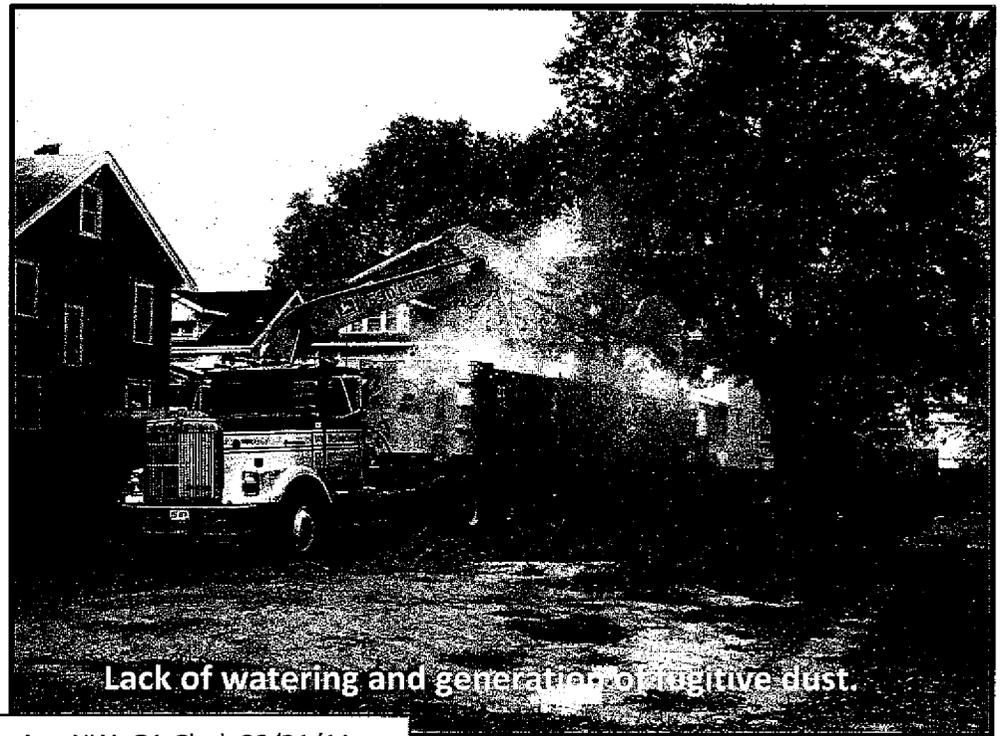
Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer

Enclosures: Photos taken August 31, 2011
 Ohio Administrative Code Rule 3745-17-08
 Ohio Administrative Code Rule 3745-17-08, Appendix A

cc: Angela Cavanaugh, Chief Building Official
 Correspondence
 Complaints, Miscellaneous, McKinley Township
 GA Clark

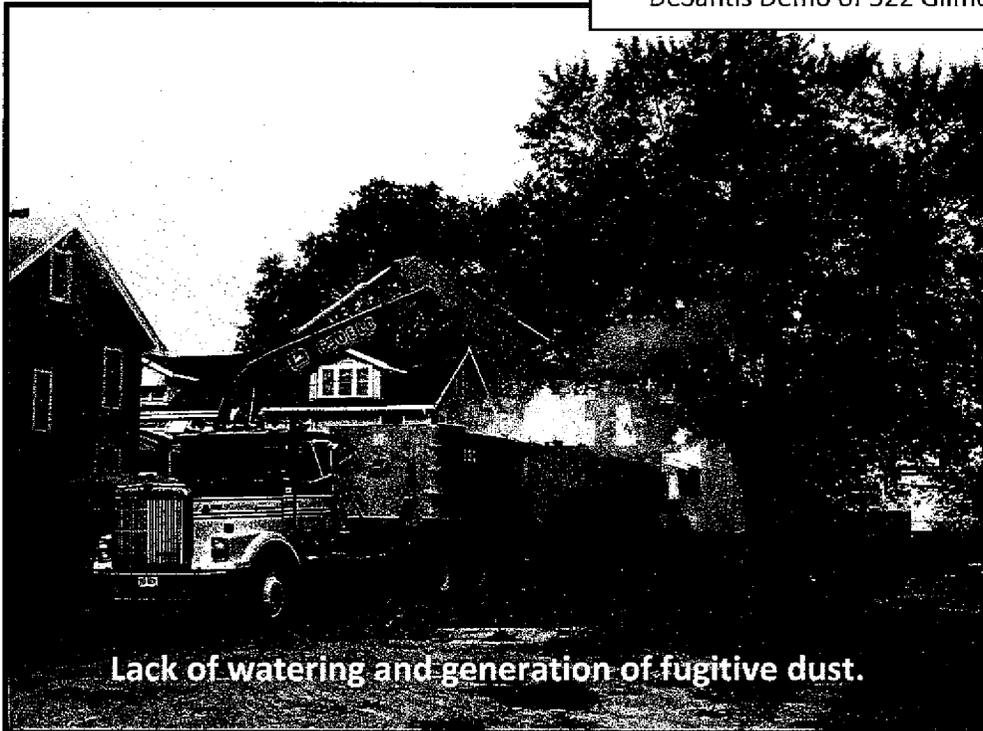


Lack of watering and generation of fugitive dust.

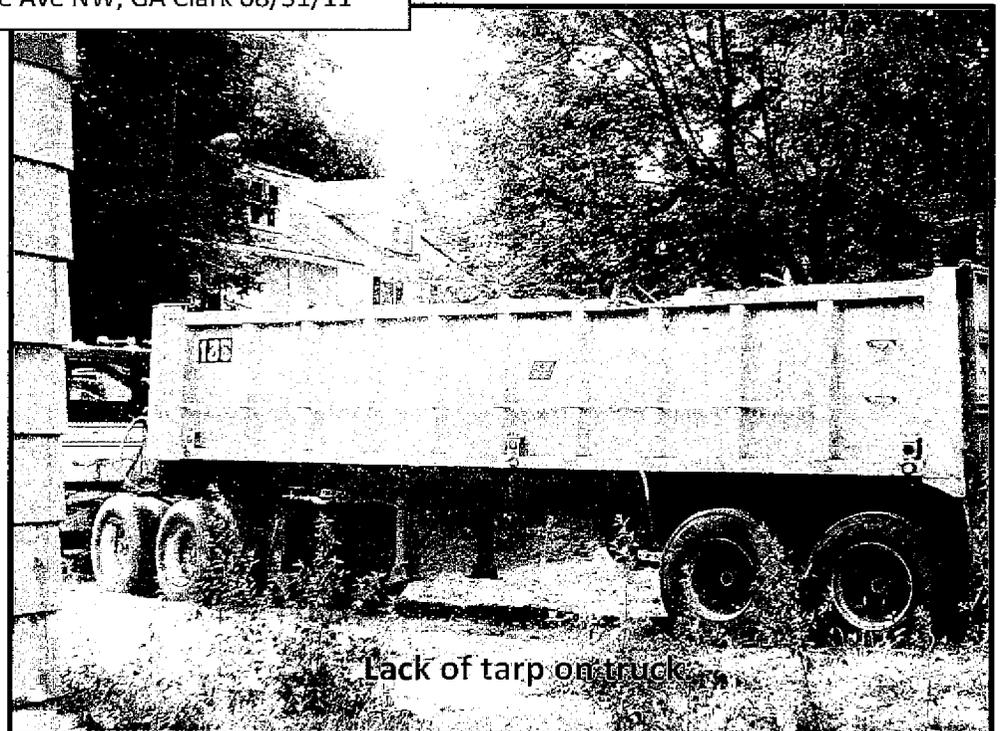


Lack of watering and generation of fugitive dust.

DeSantis Demo of 522 Gilmore Ave NW, GA Clark 08/31/11



Lack of watering and generation of fugitive dust.



Lack of tarp on truck

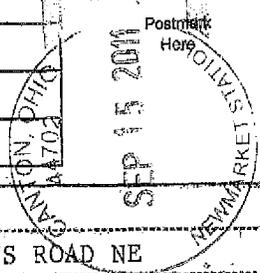
7010 1060 0002 2980 4231

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Sent To **DANIEL DESANTIS**

Street, Apt. No., or PO Box No. **3060 COLUMBUS ROAD NE**

City, State, ZIP+4 **CANTON, OH 44705**

PS Form 3811, August 2000

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:

**DANIEL DESANTIS
DESANTIS ENTERPRISES
3060 COLUMBUS ROAD NE
CANTON, OH 44705**

2. Article Number
(Transfer from service label) **7010 1060 0002 2980 4231**

COMPLETE THIS SECTION ON DELIVERY

A. Signature: **X T Sands** Agent Addressee

B. Received by (Printed Name) **T Sands** C. Date of Delivery

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

3. Service Type
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 Registered Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) Yes

3745-17-08 **Restriction of emission of fugitive dust.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-17-01 of the Administrative Code titled "Incorporation by reference."]

(A) Applicability:

- (1) Except as otherwise indicated in paragraph (A)(3) of this rule, the requirements of paragraph (B) of this rule shall apply to any fugitive dust source which is located within the areas identified in appendix A to this rule. Except as additional time for achieving compliance is provided in paragraph (B) of rule 3745-17-04 of the Administrative Code, any such source shall comply with the requirements of paragraph (B) of this rule upon the effective date of this rule.
- (2) Notwithstanding the exemptions in paragraph (A)(3) of this rule, the requirements of paragraph (B) of this rule shall apply to any fugitive dust source regardless of location if, in the director's judgment, probable cause exists to believe that such source is causing or contributing to a violation of rule 3745-15-07 or 3745-17-02 of the Administrative Code. In such cases, the director may require the owner or operator of the fugitive dust source to apply for and obtain a permit to operate for the source in accordance with rule 3745-35-02 of the Administrative Code, and/or require the owner or operator to submit and implement a control program which will bring the fugitive dust source into compliance with the requirements of paragraph (B) of this rule as expeditiously as practicable.
- (3) The requirements of paragraph (B) of this rule shall not apply to:
 - (a) Any fugitive dust source which is located at a grain elevator having a permanent storage capacity of less than 2.5 million bushels;
 - (b) Reserved
 - (c) Fugitive dust generated from publicly owned roadways and parking lots, provided the fugitive dust is not directly caused by the deposition of materials due to industrial, commercial, or construction activities; and
 - (d) Fugitive dust generated from the tilling and wind erosion of farm land.
 - (e) Except as otherwise provided in paragraphs (E) and (F) of this rule, fugitive dust generated from any roadway or parking area at the "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" facility located at

5600 Henry Ford Boulevard, Brook Park, Ohio (OEPA premise number 1318120180) and at the "Wheeling Pittsburgh Steel Corporation" or any subsequent owner or operator of the "Wheeling Pittsburgh Steel Corporation" facilities located at South Third Street, Steubenville, Ohio (OEPA premise number 1741150011) and at McLister avenue, Mingo Junction, Ohio (OEPA premise number 1741090010).

- (4) An air contaminant source can be subject to both of the requirements of rule 3745-17-11 of the Administrative Code and this rule if it is a fugitive dust source, as defined in paragraph (B)(7) of 3745-17-01 of the Administrative Code, and also emits, by means of one or more stacks, particulate matter that is subject to a limitation(s) in rule 3745-17-11 of the Administrative Code.
- (B) No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:
- (1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - (2) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A)(12) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust;
 - (3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust. Such equipment shall meet the following requirements:
 - (a) The collection efficiency is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point(s) of capture to the extent possible with good engineering design; and
 - (b) The control equipment achieves an outlet emission rate of not greater than 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases or there are no visible particulate emissions from the exhaust stack(s), whichever is less stringent;
 - (4) For ship loading operations at grain terminals:

- (a) Except during topping-off periods or during the loading of tween-deckers or tankers, the covering of the hatches and loading spouts with tarpaulin covers, to the extent practicable, and evacuation of the hatches to control equipment which is designed to achieve an outlet emission rate of 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases; or
 - (b) The installation and use of control measures such as deadbox or bullet-type loading spouts which are equivalent to or better than the overall control efficiency of the measures described in paragraph (B)(4)(a) of this rule;
- (5) The use of adequate containment methods during sandblasting or other similar operations;
 - (6) The periodic application of water or other suitable dust suppression chemicals, the installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials stockpiles and stockpiling operations, except temporary stockpiles and stockpiling operations for grain and grain products;
 - (7) The covering, at all times, of open bodied vehicles when transporting materials likely to become airborne;
 - (8) The paving of roadways and the maintaining of roadways in a clean condition; and
 - (9) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- (C) For purposes of determining compliance with the requirements of paragraph (B) of this rule, the director shall consider a control measure to be adequate if it complies with the following:
 - (1) The visible particulate emission limitation(s) contained in rule 3745-17-07 of the Administrative Code;
 - (2) If applicable, the control requirements contained in paragraph (B) of this rule; and
 - (3) The definition of reasonably available control measures in paragraph (B)(17) of rule 3745-17-01 of the Administrative Code.
- (D) Any owner or operator of a facility which contains a fugitive dust source and which is located within any area identified in appendix A to this rule shall submit a

certification and/or application for a permit-to-operate in accordance with paragraphs (A) and (B) of rule 3745-17-04 of the Administrative Code. This paragraph shall not exempt the owner or operator of a fugitive dust source which is not located within an area identified in appendix A to this rule from the requirements of rule 3745-35-02 or 3745-77-02 of the Administrative Code.

- (E) Within thirty days after January 31, 1998, the "Ford Motor Company, Cleveland Casting Plant" (OEPA premise number 1318120180) or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" located at 5600 Henry Ford Boulevard, Brook Park, Ohio shall submit a written notification to the director which indicates whether it will comply with either the work practice plan in appendix B to this rule or the visible particulate emission limitation in paragraph (B)(5) of rule 3745-17-07 of the Administrative Code and the requirements of paragraph (B)(2) of this rule for the control of fugitive dust generated from any unpaved roadway or parking area located at such facility. In such notification, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall choose between the requirements of the work practice plan or the requirements of paragraph (B)(5) of rule 3745-17-07 of the Administrative Code and of paragraph (B)(2) of this rule. Except as otherwise provided in paragraph (F) of this rule, after submitting such written notification indicating which control requirements it will comply with, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility will be subject to and shall comply with such control requirements.
- (F) After selecting a control requirements option pursuant to paragraph (E) of this rule, in the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of the "Ford Motor Company, Cleveland Casting Plant" subsequently desires to be subject to and to comply with the other identified control requirements option identified in paragraph (E) of this rule, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility may so notify the director by submitting a written notification which clearly indicates that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to and shall comply with the alternative control requirements option. To be effective, any such written notification shall expressly identify the specific date on which "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility desires to be subject to the alternative control requirements option and shall be submitted no later than thirty days prior to such date. In the event that "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility complies with the written notification provisions contained in this paragraph, "Ford Motor Company, Cleveland Casting Plant" or any subsequent owner or operator of such facility shall become subject to and shall comply with the alternative control requirements option as of the date specifically identified in the written notification.

Effective: 02/01/2008

R.C. 119.032 review dates: 09/12/2007 and 02/01/2013

CERTIFIED ELECTRONICALLY

Certification

01/22/2008

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(A), 3704.03(E)

Prior Effective Dates: 8/7/1972, 6/18/1980, 3/25/1981, 8/1/1982, 10/1/1983,
6/14/1991, 1/31/1998, 4/14/2003

Appendix A

AREAS OF THE STATE OF OHIO
WHERE PARAGRAPHS (B) AND (D) OF RULE 3745-17-08
OF THE ADMINISTRATIVE CODE ARE APPLICABLE

COUNTY	DESCRIPTION OF AREA(S)
Allen	City of Lima
Ashtabula	City of Ashtabula; and Ashtabula and Plymouth Townships
Belmont	entire county
Butler	Cities of Hamilton, Middletown and New Miami; and Fairfield, Lemon, Madison and St. Clair Townships
Carroll	entire county
Clark	Cities of New Carlisle and Springfield
Clinton	Cities of Blanchester and Wilmington
Columbiana	entire county
Coshocton	Jackson Township
Cuyahoga	entire county
Defiance	Richland Township
Franklin	City of Columbus
Gallia	City of Gallipolis
Geauga	Cities of Chardon and Middlefield; and Bainbridge Township
Greene	City of Fairborn
Hamilton	Cities of Cincinnati, Norwood, Golf Manor, Amberley, Arlington Heights, Reading, Lockland, Evendale, Sharonville, Springdale, Glendale, Woodlawn, Lincoln Heights, Wyoming, Elmwood Place and St. Bernard; and Miami, Whitewater, Delhi and Springfield Townships
Henry	City of Napoleon
Jackson	City of Jackson
Jefferson	entire county
Lake	Cities of Painesville, Willowick, Willoughby Hills, Wickliffe, Eastlake, Madison and Mentor; and Madison, Leroy and Painesville Townships
Lawrence	Cities of Ironton and Coal Grove
Lorain	Cities of Sheffield, Lorain, Avon and Avon Lake; and Sheffield Township
Lucas	Cities of Maumee, Toledo and Oregon; and Washington and Waterville Townships

COUNTY	DESCRIPTION OF AREA(S)
Mahoning	City of Youngstown
Medina	entire county
Meigs	City of Racine
Miami	City of Piqua; and Concord Township
Monroe	entire county
Montgomery	Cities of Dayton, Kettering, Miamisburg, Moraine, Oakwood, Riverside, Trotwood and West Carrollton; and Butler, Jefferson, Harrison, Mad River, Madison, Miami, Washington and Wayne Townships
Morgan	Center Township
Muskingum	Cities of Philo and Zanesville
Noble	City of Caldwell
Portage	Cities of Kent and Ravenna
Preble	City of Eaton
Richland	City of Mansfield; and Madison, Mifflin and Franklin Townships
Sandusky	Cities of Gibsonburg and Woodville; and Jackson, Madison, Washington and Woodville Townships
Seneca	City of Tiffin
Shelby	City of Sidney
Stark	Cities of Canton, East Canton, Louisville and Meyers Lake; and Canton, Nimishillen, Osnaburg, Perry and Plain Townships
Summit	Cities of Akron, Barberton, Cuyahoga Falls and Norton; and Coventry and Franklin Townships
Trumbull	Cities of Warren and Niles; and Warren Township
Washington	entire county
Wood	City of Perrysburg
Wyandot	City of Carey; and Crawford Township

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W. H. Drane Codified Ordinances
Canton, Ohio

- Codified Ordinances of the City of Cantor
- CERTIFICATION
- OFFICIALS OF THE CITY OF CANTON
- COMPARATIVE SECTION TABLE
- PART ONE - ADMINISTRATIVE CODE
- PART THREE - TRAFFIC CODE
- PART FIVE - GENERAL OFFENSES CODE
- PART SEVEN - BUSINESS REGULATION C
- PART NINE - STREETS, UTILITIES AND P
- PART ELEVEN - PLANNING AND ZONING
- PART THIRTEEN - BUILDING CODE
- PART FIFTEEN - FIRE PREVENTION CODE
- PART SEVENTEEN - HEALTH CODE

749.11 PERMIT DENIAL, SUSPENSION AND REVOCATION.

Any permit may be denied, suspended or revoked in accordance with the procedures contained in this chapter for any of the following causes:

- (a) Fraud or misrepresentation contained in the application;
 - (b) Fraud or misrepresentation made in the course of carrying on the business of vending;
 - (c) Conduct of the business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals; or
 - (d) Conduct which is contrary to the provisions of this chapter.
- (Ord. 157-2000. Passed 8-7-00.)

(1-25 of 62 matches)

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1	100	<u>355.091 STORAGE OF JUNK MOTOR VEHICLES A PUBLIC NUISANCE.</u>
2	99	<u>111.04 NUISANCE INSPECTOR.</u>
3	97	<u>785.16 MAINTAINING A PUBLIC NUISANCE.</u>
4	95	<u>551.05 NONEXCLUSIVE REMEDY.</u>
5	95	<u>917.06 REMOVAL OF OBSTRUCTING POPLAR TREES.</u>
6	93	<u>505.14 COMMON PIGEON DECLARED NUISANCE.</u>
7	93	<u>911.03 REMOVAL OF DRIVEWAYS NOT IN USE; RECONSTRUCTION OF CURBS.</u>
8	93	<u>1701.05 POWERS.</u>
9	91	<u>355.12 ENFORCEMENT.</u>
10	91	<u>505.22 ENFORCEMENT.</u>
11	91	<u>521.20 ENFORCEMENT.</u>
12	91	<u>551.06 ENFORCEMENT.</u>
13	91	<u>917.07 ENFORCEMENT.</u>
14	90	<u>1151.01 PURPOSE.</u>
15	90	<u>351.13 EXPRESSWAY AND FREEWAY; RAMPS.</u>
16	89	<u>CHAPTER 505 Animals and Fowl</u>