



AKRON REGIONAL  
AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department  
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480  
FAX: (330) 375-2402

L. M. Malcolm, P.E.  
Administrator

February 28, 2008

Mr. Walter Smith  
741 Porter Road  
Atwater, OH 44201

Dear Mr. Smith:

You are hereby cited for violations of Ohio Administrative Code section 3745-19 (Open Burning Standards) and Portage County Air Pollution Control Regulation 97.16 (Open Burning), as adopted in Resolution 91.01 of the Portage County Board of Health. These violations have occurred on your property at 741 Porter Road in Atwater Township (Portage County).

On June 5, 2005 the Atwater Township Fire Department responded to a fire call at 741 Porter Road. The illegal fire included trash and rubbish. The fire was witnessed by both Lt. Russell and firefighter Nellis of the Atwater Township Fire Department. On June 8, 2005 an inspector from the Akron Regional Air Quality Management District (ARAQMD) responded and photos were taken. Written orders and a copy of the open burning regulations were sent to Charles Smith or current tenant/owner on June 9, 2005.

On February 15, 2008, the Atwater Township Fire Department responded to an open burning call and observed approximately 30 tires burning at the rear of your property. The fire was extinguished and you denied starting the fire. During an investigation on February 20, 2008, by an inspector from the ARAQMD, you stated the fire was on the Bettis property next door. The open burning regulations were explained and you were provided with a copy.

According to the Atwater Township Fire Department they have responded numerous times to open burning, including tires, at your residence and have advised you to stop burning.

In light of these violations, you are urged to take appropriate steps to be sure that no further illegal open burning occurs on this property. **Within fifteen (15) days of receipt of this letter, please submit a written commitment to cease all further illegal open burning.**

Acceptance by this Agency of your commitment does not constitute a waiver of this Agency's authority to seek civil penalties as provided in Portage County Air Pollution Control Regulation 97.29, or to refer the matter to the Ohio EPA for their enforcement action (including imposition of civil penalties). The determination to pursue or to decline such penalties will be made at a later date.

If you have any questions regarding this matter, please contact me at 330/375-2480 ext 6051.

Yours truly,

L. M. Malcolm, PE  
Administrator

LMM  
Certified Mail  
Enclosure

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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