

# Air Pollution Control Division

**Ohio** | Environmental  
Protection Agency  
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

**Terri A. Dzienis**  
APCD Administrator

**James M. Adams, RS, MPH**  
Health Commissioner

August 2, 2012

### **CERTIFIED MAIL**

Doni Smith  
8138 Fohl Road SW  
Navarre, OH 44662

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-04;  
unauthorized illegal open burning in an unrestricted area; First Violation**

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 have the authority to investigate and enforce Ohio EPA air pollution regulations.

On Friday, July 27, 2012, this office received a complaint of open burning of trash at your property. Since this property is located in what the Ohio Administrative Code (OAC) 3745-19-01(L) defines as an unrestricted area, OAC 3745-19-04(B) allows the following without notification to or permission from the Ohio EPA; Disposal of residential waste or agricultural waste generated on the premises if the following conditions are observed:

- (a) The fire is set only when atmospheric conditions will readily dissipate contaminants;
- (b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
- (c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
- (d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
- (e) No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.
- (f) Prior notification to the Ohio EPA is required for residential waste (including landscape waste) if the size of the waste pile exceeds ten feet by ten feet by ten feet.

On Monday, July 30, 2012 at approximately 10:20 a.m., I visited your home and observed the burn area, which was approximately four feet in diameter and contained pieces of burnt metal, plastic, and a leather belt. Photographs were taken during my inspection and are attached for your review. Since the burn area is less than one thousand feet from inhabited buildings not located on the premises and it contained pieces of burnt plastics, this is a violation of OAC 3745-19-04(B). I am enclosing a copy of OAC Rule 3745-19-04 for your reference.

Smith  
8138 Fohl Rd  
Page 2 of 2

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.

This agency requests your cooperation by ceasing any open burning in violation of Ohio EPA regulations. Be advised that the Ohio EPA does have the authority to penalize fines of up to \$250 per day to citizens for open burning violations, and does have the authority to request the attorney general to initiate legal action to seek additional penalties of up to \$25,000. Since this is the first violation at this property, we will not take further action at this time. Any future violation will result in penalties.

Sincerely,



Linda Morckel  
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-04, photo documentation

cc: Correspondence  
Complaints File, Open Burning, Bethlehem Township  
Jack Evans, Bethlehem Township Trustee, 120 Keeferview NW, Navarre, OH 44662



8138 Fohl Road SW, Navarre, OH 44662. The photographs were acquired by Ohio EPA Monitoring & Inspections Technician, Linda Morckel on 7/30/2012 at 10:20 a.m. They show open burning for residential waste disposal on south side of property.

