

# Air Pollution Control Division

**Ohio** | Environmental  
Protection Agency  
APC Contractual Representative  
Serving All of Stark County

## Canton City Health Department

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Terri A. Dzienis  
APCD Administrator

James M. Adams, RS, MPH  
Health Commissioner

August 2, 2012

### **CERTIFIED MAIL**

Viking Properties  
c/o Justin Caramagno  
P.O. Box 4472  
Portsmouth, New Hampshire 03802

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-03;  
unauthorized illegal open burning in a restricted 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 Monday, July 23, 2012, the Perry Township Fire Department was at the property known as City Estates at 2830 Connecticut Street SW, Massillon, Ohio 44646 to investigate unauthorized burning. The Stark County Auditor lists Viking Properties LLC as owner of this property. Since this property is located in what the Ohio Administrative Code (OAC) 3745-19-01(K) defines as a restricted area, OAC 3745-19-03(B) allows the following 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:

- (a) 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;
- (b) They are not used for waste disposal purposes; and
- (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

On Wednesday, July 25, 2012 at approximately 11:00 a.m., Jaclyn Hupp, Monitoring & Inspections Technician, and I visited 2830 Connecticut Street SW, Massillon and observed the burn area, which was approximately six feet in diameter. Off to the side of the burn area were the remains of two mattresses, which are listed in the Perry Township Fire Department's report as what was being burnt at the time of their visit. Photographs were taken during our inspection and are attached for your review. We were informed by the residents that this burn area is used on a regular basis for items that are not accepted by the trash service. Since the burn area is larger than three feet in diameter

and these items do not constitute 'clean, seasoned firewood,' this is a violation of OAC 3745-19-04(B). I am enclosing a copy of OAC Rule 3745-19-04 for your reference. I am also sending a copy of this letter to the Perry Township Fire Department.

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 by you or your residents. 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 3745-19-03, photo documentation

cc: Correspondence  
Complaints File, Open Burning, Perry Township  
Doug Owens, City Estates Manager, 2830 Connecticut St. SW, Lot 4, Massillon, OH 44646  
Perry Township Fire Department, 440 Canford Ave., Massillon, OH 44646



2830 Connecticut St SW, Massillon, OH 44646. The photographs were obtained by Monitoring & Inspections Technician, Jaclyn Hupp, on 7/25/12 at 11:00 a.m. They show open burning for the disposal of mattresses at this property.

