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

CERTIFIED MAIL

July 9, 2012

Antonio Hardy
2323 Morris Ave NE
Canton, OH 44705-3467

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 (OEPA) air pollution regulations.

On Saturday, June 30, 2012 at 1704 hrs, Canton Fire Department Engine 6 was at your address for a fire in which you were burning trash. 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 Thursday, July 5, 2012 at approximately 10:50 a.m., I visited your home and observed the burn area, which contained bottles, cans, and other pieces of metal. Photographs were taken during my inspection and are attached for your review. You said that the items were left from a previous resident, but because you are the current resident, and they appear to have been left in the burn pit during the burning incident on June 30, you are responsible for those items. Since these items do not constitute 'clean, seasoned firewood,' this is a violation of OAC 3745-19-03(B). I am enclosing a copy of OAC Rule 3745-19-03 for your reference. Please be aware that Canton City has stricter rules on recreational fires. I am also enclosing a copy of Canton City's fire ordinance.

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

Linda Morckel
Air Pollution Control Inspections & Monitoring Technician

Enclosure: OAC 3745-19-03, Canton City Fire Ordinance, photo documentation

cc: Canton Fire Department, Interoffice Mail
Correspondence
Complaints File, Open Burning, McKinley Township
JJ Detweiler Enterprises Inc., 2814 Edison St. NW, Uniontown, OH 44685
L Morckel

2323 Morris Ave. NE, Canton, OH 44705. The photographs were acquired by Ohio EPA Inspections & Monitoring Technician, Linda Morckel on 7/5/2012 at 10:50 a.m. They show open burning for residential waste disposal at rear of property.