

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

July 18, 2012

CERTIFIED MAIL

Harold Tuck
PO Box 257
Hartville, OH 44632

**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 (OEPA) air pollution regulations.

On Friday, June 20, 2012 at 1132 hrs, Canton City Health Department, APCD received a complaint regarding an unknown material being burned on 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.

On Thursday, June 28, 2012 at 3:30 p.m., Gregory Clark, APC Engineer, Kelli Mohr, APC Technician and I, visited your property located on Lake Avenue NE, Hartville, Ohio, identified as parcel #1905134 on the Stark County Auditor's website, and observed a burn area which contained pieces of burnt metals and fabric. Photographs were taken during our inspection and are attached for your review. Since these items do not represent residential waste generated on the premises and the burn site is located less than one thousand feet from an inhabited building not located on said premises, this is a violation of OAC 3745-19-04(B). I am enclosing a copy of OAC Rule 3745-19-04 for your reference.

Tuck
Lake Ave NE, parcel 1905134
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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, Lake Township



Lake Ave. NE, Lake Township, Parcel #1905134. The photos were acquired by APC Technician, Kelli Mohr on Thursday, June 28, 2012 at 3:30 p.m.. They show open burning for waste disposal. Burn site is located behind barn located on property.

