

# 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 31, 2012

### **CERTIFIED MAIL**

Richard C & Shirley W Domer  
13655 Navarre Rd  
Beach City, OH 44608

**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.

I visited your residence on Friday, August 24, 2012 for a previous complaint of open burning. At that time, I found no evidence of illegal open burning. However, there was trash located in the burn barrels that raised concern of potential future open burn violation. I spoke with you regarding Ohio's open burning regulations in hopes of preventing a future violation. On Monday, August 27, 2012, Canton City Health Department, APCD received another complaint of open burning at this residence. On that day, at 10:25 a.m., Denny Tan, APC Monitoring and Inspection Supervisor, and Jaclyn Hupp, APC Monitoring & Inspection Technician, visited your home and found wire, glass bottles, foil and plastic tobacco containers in the burn barrel, some of which were burnt. A photograph was taken and is attached for your review.

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.

Since the burn site is located less than one thousand feet from inhabited buildings not located on said premises and it contained 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.

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, Sugarcreek Township  
Bruce Weinberg, Ohio EPA, P.O. Box 1049, Columbus, OH 43216-1049



Burn barrel showing burnt residential waste - located within 1,000 feet of closest inhabited residence.

SITE  
ADDRESS

Photos taken DATE, 2012  
by L. Morckel, M&I Technician


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Photos taken DATE, 2012  
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