

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

Johnathan & Rachel Weidaw
13180 Lake Ave NE
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 air pollution regulations.

On Monday, July 30, 2012, Canton City Health Department, APCD received a complaint of open burning 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 (landscape) 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.

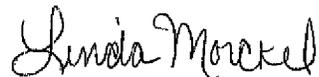
On Monday, July 30, 2012 at 11:50 a.m., I visited your home and observed the burn area, which contained landscape waste, and spoke to Rachel. Photographs were taken during my inspection and are attached for your review. I incorrectly told Rachel that the size of the burn area was too large, but since the burn site is located less than one thousand feet from inhabited buildings 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. Since this fire was preapproved by the Hartville Fire Department, I am

sending them a copy of this letter for their records. I have also enclosed a list of Stark County's free yard waste collection sites, which you may consider using as an alternative to burning.

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, yard waste drop-off sites

cc: Correspondence
Complaints File, Open Burning, Lake Township
Hartville Fire Department, 411 East Maple Street, Hartville, OH 44632



13180 Lake Ave. NE, Lake Township. The top photo was acquired by Linda Morckel, Monitoring & Inspections Technician, APC, on Monday, July 30, 2012 at 11:50 a.m. The bottom photo was obtained from the Stark County Auditor's website. They show open burning for disposal of residential waste or agricultural waste within 1000 feet of inhabited buildings not located on said premises. Burn site is behind home located on property.

