

Air Pollution Control Division

Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

James M. Adams, R.S., MPH
Health Commissioner

Daniel J. Aleman, M.S., PE
APCD Administrator

OhioEPA

APC Contractual Representative
Serving All of Stark County

COPY

Friday, September 04, 2008

Mr. Joseph J. Streamo
1381 Dueber AVE SW
Canton, OH 44705-4731
McKinley Township

CERTIFIED MAIL
Stark County

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-17-09;
RESTRICTIONS ON PARTICULATE EMISSIONS AND ODORS FROM
INCINERATORS.**

Dear Mr. Streamo

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 are charged with the responsibility of investigating and enforcing the Ohio EPA air pollution regulations. APCD employees are authorized under Ohio Revised Code 3704.03 (L) to enter upon private property to determine if there is noncompliance with OEPA regulations.

On Thursday, September 04, 2008 at 10:12 a.m., I inspected the commercial property at 1381 Dueber AVE SW doing business as Dumont's West Side Seed Co., for unpermitted and illegal burning of waste that was reported by the Canton City Fire Department. Evidence of the illegal burning evidence was photographed, which shows a violation of The Ohio Administrative Code 3745-17-09.

You stated that you were burning cardboard to ignite a large piece of wood in the wood burner on Monday, September 01, 2008 at approximately 7:00 p.m. when the air temperature was 81°F but when I requested to view the contents of the wood burner, there was much more than cardboard. Please refer to the attached photographs. Our discussion concluded that you would immediately remove any garbage and discontinue the action of burning any solid waste at the time of inspection and in the future.

Ohio Administrative Code 3745-17-09 states that no person shall cause, suffer, or allow to be emitted into the ambient air from any incinerators, particulate emissions in the exhaust gases in excess of: 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, for incinerators having incineration capacities equal to or greater than one hundred pounds per hour; or 0.20 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged for incinerators having incineration capacities less than one hundred pounds per hour.

Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

It should be noted that for commercial operations, Ohio EPA permits are required for an incinerator. Ohio Administrative Code 3745-31-02 states that no person shall cause, permit, or allow the installation of a new source of air pollutants, or cause, permit, or allow the modification of an air contaminant source, without first obtaining a permit-to-install from the director. Ohio Administrative Code 3745-35-02 states that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit-to-operate from the director in accordance with the requirements of this rule. EPA's rule contains strict MACT-based standards for new incinerators and emissions limits for existing incinerators. Incinerators release a number of pollutants, including cadmium, lead, mercury, dioxin, sulfur dioxide, hydrogen chloride, nitrogen dioxide, and particulate matter. Dioxin and mercury are of particular concern because they are toxic; persist in the environment, and bioaccumulate.

The United States EPA states that Dioxins are highly toxic, long-lasting organic compounds. They are dangerous even at extremely low levels and have been linked to several health problems, including cancer and developmental and reproductive disorders. Dioxins are formed when products containing carbon and chlorine are burned. Even very small amounts of chlorine can produce dioxins. Because burn barrels do not have the same strict controls as municipal incinerators, barrel burning releases significant amounts of dioxins. Trying to prevent dioxins from forming by separating out items high in chlorine content is not effective, since low levels of chlorine are present in most household trash. Dioxins accumulate in the food chain. Airborne dioxins can settle onto feed crops, which are then eaten by domestic meat and dairy animals. Dioxins also can settle on water or enter waterways through soil erosion. These dioxins accumulate in the fats of animals, and then in humans when we consume meat, fish, and dairy products.

Since the commercial property is located in what the Ohio Administrative Code 3745-19-01 (J) defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03 (B); open burning shall be allowed for the following purposes 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:

- 1. 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;*
- 2. They are not used for waste disposal purposes; and*
- 3. They shall have a total fuel area of three feet or less in diameter and three feet or less in height.*

Be aware that, The Ohio Administrative Code 3745-19-06 Open burning unilateral order;

- 1. The director may assess and collect administrative penalties from any person who violates any of the rules in this chapter. Through unilateral orders, the director may assess a violator not more than \$250.00 per day for each separate violation of the rules in this chapter for open burning on residential property and not more than \$1,000.00 per day for each separate violation of the rules in this chapter for open burning on industrial, commercial, institutional, or municipal property. Commercial property includes construction sites, including, but not limited to, the construction of residential homes, if the sites are not properly permitted under section 3704.11(C) of the Revised Code. A separate violation is assessed for each day (24-hour period) the violation occurs.*
- 2. The director's authority under paragraph (A) of this rule is in addition to, and not in limitation of, the director's authority under section 3704.06 of the Revised Code to request the attorney general to initiate legal action to seek penalties of not more than twenty-five thousand dollars for each day of each violation for the violation of rules in this chapter.*

You are strongly advised to conduct any future burning in strict compliance with the Ohio EPA regulations so as to avoid any further response from this Agency. Should you have any questions concerning this letter or the regulations, please contact me at (330) 489-3385.

Sincerely,



Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

Enc:

- 1) Photographs taken on 09/04/08 at 10:09 a.m.
- 2) Ohio EPA Open burning regulations.
- 3) OAC 3745-17-09
- 4) OAC 3745-31-02
- 5) OAC 3745-35-02

Pc:

- 1) Addressee via certified mail, then 1st class in 14 days if unclaimed.
- 2) Open burn file.
- 3) NOV Correspondence file, September 2008.
- 4) Janet Streamo, 4880 4th ST NW, Canton, OH 44708-3489
- 5) Sherese Streamo, 619 30th ST NW, Canton, OH 44709-3111

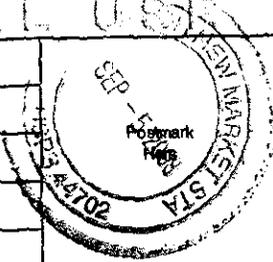
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Sent To: MR JOSEPH J STREAMO
Street, Apt. No., or PO Box No.: 1381 DUEBER AVE SW
City, State, ZIP+4: CANTON, OH 44705-4731

PS Form 3800, August 2006 See Reverse for Instructions

7851 7008 0150 0001 8203

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">MR JOSEPH J STREAMO 1381 DUEBER AVE SW CANTON, OH 44705-4731</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7008 0150 0001 8203 7851</p>