

# Air Pollution Control Division



Canton City Health Department

APC Contractual  
Representative  
Serving All of Stark County

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

Robert E. Pattison, MPA  
Health Commissioner

Daniel J. Aleman  
APCD Administrator

COPY

CERTIFIED MAIL

Friday, January 11, 2008

KASAPIS PROPERTIES LLC  
ATTN: Mr. PAUL KASAPIS  
606 SIXTH ST NE  
CANTON, OH 44702

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

Dear Mr. Kasapis,

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 to investigate and enforce Ohio EPA (OEPA) 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.

You were found performing an unpermitted illegal burning on Thursday, January 10, 2008, 2:00 PM at the commercial location of 606 Sixth ST NE Canton, OH 44702. I inspected your residence to view and obtain photographic evidence of the improper usage of the incinerator without proper air pollution controls and permits. You stated that you were burning the solid waste to avoid the cost of waste removal. Our discussion concluded that you would 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 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.

Be advised that property owners can be held responsible for the actions of their tenants and that, by repeat violations, you may subject yourself to the possibility of enforcement actions. This office, at any time, can initiate enforcement proceedings that can result in fines ***starting*** at \$250 for each violation. This agency strongly advises you to conduct your business in strict compliance with the Ohio EPA regulations so as to avoid any further response from this Agency.

This Agency would appreciate your cooperation with regard to this matter. 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
- 2) OAC 3745-17-09
- 3) OAC 3745-31-02
- 4) OAC 3745-35-02

Pc:

- 1) Addressee via certified mail to;
  - a) 606 Sixth ST NE, Canton, OH 44702 and;
  - b) 5304 Cleveland AVE SW, Canton, OH 44707
- 2) Non-Residential Open burn file
- 3) NOV file



Photo shows improper usage of the incinerator without air pollution controls and permits.

606 6th ST NE – McKinley TWP. Photo taken by Staff Field Inspector II, Denny Tan on 01/10/2008 at 2:50 PM.



Photo shows improper usage of the incinerator without air pollution controls and permits. Flames can be seen here.

606 6th ST NE – McKinley TWP. Photo taken by Staff Field Inspector II, Denny Tan on 01/10/2008 at 2:50 PM.

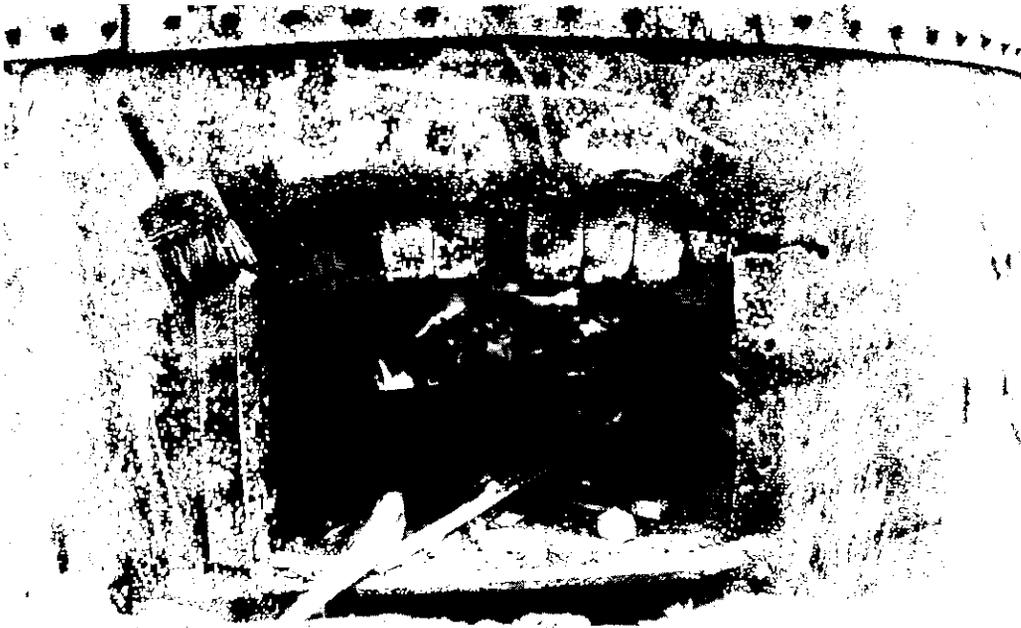


Photo shows improper usage of the incinerator without air pollution controls and permits to dispose of solid waste.

606 6th ST NE – McKinley TWP. Photo taken by Staff Field Inspector II, Denny Tan on 01/10/2008 at 2:50 PM.

3745-17-09      **Restrictions on particulate emissions and odors from incinerators.**

(A) General provisions.

- (1) This rule shall apply to any incinerator except those regulated under Chapter 3745-75 of the Administrative Code.
- (2) For the purposes of this rule, the total of the capacities of all incinerators which are united either physically or operationally shall be considered as the incineration capacity.

(B) Emission limitation.

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.

(C) Design-operation requirements.

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

Effective: July 9, 1991

119.032 review date: September 27, 2006

Original signed by Donald R. Schregardus, Director, Ohio EPA  
Certification

June 18, 1991  
Date

Promulgated under: RC Chapter 119  
Rule amplifies: RC Chapter 3704  
Rule authorized by: RC Chapter 3704.03  
119.032 review date:

Prior effective dates: February 15, 1972, June 18, 1980, October 1, 1983

3745-31-02      **Requirements.**

(A) Permit-to-install.

- (1) Except as provided in rule 3745-31-03 of the Administrative Code, 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.
- (2) The owner or operator of any air contaminant source may apply for a permit-to-install to voluntarily limit the allowable emissions from the air contaminant source or limit the type of air contaminants authorized to be emitted from the air contaminant source. The director shall act upon such application in accordance with the requirements of rule 3745-31-05 of the Administrative Code, provided that paragraphs (A)(3) and (B) of that rule shall not apply unless the application is for the installation of a new source as defined by rule 3745-31-01 of the Administrative Code or is for a modification of an air contaminant source as defined by rule 3745-31-01 of the Administrative Code.
- (3) The transferee of any permit-to-install shall assume personally the responsibilities of the original permit holder-transferor. The Ohio environmental protection agency must be notified in writing of any transfer of a permit-to-install.

(B) The director, in his discretion, may issue an order requiring any person planning to install or modify, or in the process of installing or modifying, any air contaminant source as defined in rule 3745-31-01 of the Administrative Code, which are otherwise exempted, to obtain a permit-to-install, before proceeding with installation or modification, if in the director's judgment, operation of the air contaminant source after installation or modification might result in a violation of the criteria established in paragraph (A) of rule 3745-31-05 of the Administrative Code.

(C) The director, in his discretion or where required to do so by federal laws or regulations, may issue a single permit-to-install having application to all pollutants of any kind emanating from any air contaminant source, or issue a single permit-to-install having applicability to more than one air contaminant source, controlled by a common owner or operator, located in the same county.

3745-31-02

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Effective: 12/01/2006

R.C. 119.032 review dates: 09/14/2006 and 12/01/2011

CERTIFIED ELECTRONICALLY  
Certification

11/20/2006  
Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(F)  
Rule Amplifies: 3704.03(F) , 3704.03(A)  
Prior Effective Dates: 1/1/74, 8/15/82, 9/18/87, 4/20/94, 4/12/96, 4/27/98,  
11/30/01, 10/17/03

3745-35-02      **Permits-to-operate.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-35-01 of the Administrative Code titled "Incorporation by reference."

(A) 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 except:

(1) As otherwise provided in paragraph (H) of this rule and in rules 3745-35-03 and 3745-35-05 of the Administrative Code; or

(2) If the air contaminant source is a source listed under permanent exemptions in paragraph (A)(1) of rule 3745-31-03 of the Administrative Code or a source for which the director has granted a discretionary exemption under paragraph (A)(3) of rule 3745-31-03 of the Administrative Code, or the air contaminant source is a source meeting the requirements under the permit-by-rule exemptions in paragraph (A)(4) of rule 3745-31-03 of the Administrative Code; or

(3) If the air contaminant source is part of a facility, as defined in Chapter 3745-77 of the Administrative Code, that is required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code; or

(4) As otherwise provided by section 3704.011 and division (F) of section 3704.03 of the Revised Code and rule 3745-15-05 of the Administrative Code.

(B) Applications for permits-to-operate

(1) Applications for permits-to-operate shall be signed, in the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the emission described in the application originates.

(2) Applications for permits-to-operate shall be signed, in the case of a partnership, by a general partner.

(3) Applications for permits-to-operate shall be signed, in the case of sole proprietorship, by the proprietor.

(4) Applications for permits-to-operate shall be signed, in the case of municipal, state, federal or other governmental facility, by the principal executive officer, the ranking elected official, or other duly authorized employee.

- (5) Applications for permits-to-operate for new sources shall be filed no later than ninety days after commencement of operation.
  - (6) Applications for permits-to-operate shall be on forms prescribed by the Ohio environmental protection agency and shall contain all information the Ohio environmental protection agency deems necessary to determine whether the air contaminant source is operating and will be operated in accordance with all applicable rules of the Ohio environmental protection agency, including, but not limited to: location of source; description of the equipment and processes involved; the nature, source, and quantity of uncontrolled and controlled emissions; the type, size, and efficiency of control facilities; the impact of the emissions from such source upon existing air quality.
  - (7) Except as otherwise expressly provided by rule, a separate application for a permit-to-operate shall be made for each air contaminant source to which this rule applies or an application for a facility shall be made that contains information described in paragraph (B)(6) of this rule for each air contaminant source located at the facility to which this rule applies.
  - (8) Each application shall be signed by the applicant, whose signature shall constitute an agreement that the applicant shall assume responsibility for operating and maintaining such source and control equipment in a manner designed to assure compliance with applicable law.
  - (9) Any application for a permit-to-operate which, on its face, fails to provide the agency with requested information needed to provide a factual basis for ascertaining compliance with each of the requirements of paragraph (C) of this rule may be considered defective and be treated as if it has not been filed. No hearing need be granted with respect to such improper applications, which shall be returned to the applicant as expeditiously as practicable without further processing with an indication of the deficiency.
- (C) No permit-to-operate shall be granted until the applicant demonstrates, for each source to which the permit applies, to the satisfaction of the director, that:
- (1) The source is in compliance with applicable air pollution control law and, if required by rule, the source has submitted an approvable compliance program, including a compliance schedule if necessary. A compliance program shall be approvable where it shows to the satisfaction of the director that operation pursuant to such program will result in compliance by the source with all requirements of applicable law as expeditiously as practicable but in no event later than the date provided by rule by which compliance with such requirements must be achieved, and where it identifies all reasonable interim control measures; or, upon submission of a schedule of compliance satisfactory to the director for an air contaminant source that is not in compliance with all

applicable law at the time of permit issuance, provided that the compliance schedule shall be consistent with and at least as stringent as that contained in any judicial consent decree or administrative order to which the air contaminant source is subject; and

- (2) If required by the director, the source is equipped with instrumentation and sensing devices to monitor and record emission data and other information about the operation of the source; and,
- (3) If required by the director, performance tests, conducted after the application was made, at the applicant's expense, in accordance with methods prescribed by the Ohio environmental protection agency, demonstrate that the source is in compliance with applicable emission limitations and other applicable law. The Ohio environmental protection agency or its representatives may observe, participate in, or conduct any performance test required; and,
- (4) In the case of a new source, except those exempted from obtaining a permit-to-install by rule 3745-31-03 of the Administrative Code:
  - (a) Such source was constructed, modified, located, or installed in compliance with the terms and conditions of a permit-to-install, as well as applicable law; and
  - (b) Performance tests conducted at the expense of the applicant demonstrate such source operates or within ninety days of start-up of operation, will operate in accordance with applicable Ohio environmental protection agency law and rules and in accordance with federal new source performance standards promulgated under Section 111 of the Clean Air Act. The director may exempt classes of sources by resolution or individual sources from the requirement of performance testing where economic and technical considerations justify such exemption; and
- (5) The source does not violate national emission standards for hazardous air pollutants adopted by the administrator of the United States environmental protection agency.

(D) Terms and conditions:

- (1) Permits-to-operate shall be effective for one year from date of issuance, or for whatever other period the director deems appropriate, not to exceed five years.
- (2) Any permit-to-operate issued by the director shall be subject to revision in response to changes in applicable law or other factors affecting the compliance of the source or control facility with the standards or conditions of the original permit.

- (3) The transferee of any permit-to-operate shall, personally, assume the responsibilities of the original permit holder-transferor. The Ohio environmental protection agency must be notified in writing of any transfer of a permit-to-operate.
  - (4) Such air pollution emergency episode plans as are submitted and approved shall become terms and conditions of the permits-to-operate and shall have full force and effect as a part thereof.
  - (5) Any approved compliance schedule shall be incorporated into the permit-to-operate and shall be a term and condition thereof.
  - (6) The director may include such other terms and conditions as are necessary to ensure compliance with applicable law or to gather information about ambient air quality, emission levels, or other aspects of the source operation.
- (E) Permits under this rule shall be issued, denied, modified, or revoked and may be challenged in accordance with the provisions of Chapter 3745-47 of the Administrative Code.
- (F) Suspension or revocation of permit-to-operate
- (1) The director may suspend or revoke a permit-to-operate if it has been determined that any of the conditions, terms, or standards of paragraph (C) or (D) of this rule or any other applicable law or rule of the Ohio environmental protection agency have been or will be violated.
  - (2) The director may also revoke a permit-to-operate if the permittee requests revocation for cause and the director determines that granting the requested revocation will not result in the violation of any applicable law. When a permittee requests a revocation, the director, without prior hearing, shall make a final determination on the application.
  - (3) Suspension or revocation of a permit-to-operate shall be final thirty days after service of notice to the permit holder.
  - (4) The Ohio environmental protection agency shall afford a prompt hearing to any permit holder whose permit-to-operate is suspended or revoked, except as described in paragraph (F)(2) of this rule, in the manner prescribed in Chapter 3745-47 of the Administrative Code.
  - (5) A permit-to-operate which has been revoked shall be surrendered forthwith to the Ohio environmental protection agency.

- (G) Possession of a permit-to-operate shall not relieve any person of the responsibility to continuously comply with applicable emission limitations and other provisions of applicable law.
- (H) If a new source that has been constructed, installed, located, or modified in accordance with the provisions of a permit-to-install, and otherwise in accordance with applicable law, is unable to comply with the requirements of paragraph (C)(4)(b) of this rule as of the date of start-up of operations, the director may grant a conditional permit-to-operate such source for a period not to exceed six months from start-up of operation, provided the period is used to remedy any defect which prevents such compliance, and the applicant demonstrates that compliance with emission standards prescribed by applicable law will be achieved as expeditiously as practicable, any reasonably available alternative operating procedures and interim control measures have been used or will be used to reduce excess emissions, and the continued operation of the source pursuant to the conditional permit-to-operate will not endanger or threaten to endanger human health. Conditional permits-to-operate may not be renewed, and shall contain such terms and conditions as the Ohio environmental protection agency determines necessary and appropriate.

Effective: 11/03/2006

R.C. 119.032 review dates: 08/16/2006 and 11/03/2011

CERTIFIED ELECTRONICALLY  
Certification

10/24/2006  
Date

Promulgated Under: 119.03  
Statutory Authority: 3704.03(G)  
Rule Amplifies: 3704.03(G), 3704.03 (A)  
Prior Effective Dates: 7/5/73, 11/7/79, 6/14/82, 4/20/94, 11/18/94, 6/18/01,  
10/17/03

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Sent To **KASAPIS PROPERTIES LLC**  
 ATTN: MR. PAUL KASAPIS  
 Street, Apt. No., or P.O. Box No. **606 SIXTH STREET NE**  
 City, State, ZIP+4™ **CANTON OH 44702**

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0004 5529 3257

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> <i>Debbie Kasapis</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery  <i>Debbie Kasapis</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">KASAPIS PROPERTIES LLC          ATTN: MR. PAUL KASAPIS          5304 CLEVELAND AVE SW          CANTON OH 44707</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>
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