

Air Pollution Control Division

Canton City Health Department

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

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

Harry Teeter
713 Marion AVE SW
Canton, OH 44707

COPY

Monday, February 23, 2009

Certified Mail
Stark County

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

Dear Mr. Teeter

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.

I have been attempting to inspect the residential property at 713 Marion AVE SW in Canton to investigate the possible illegal use of an incinerator located in your garage that was reported by the Canton City Fire Department. According to tax records, you are the owner of this property. It is a violation of The Ohio Administrative Code 3745-17-09 if used without the proper air pollution controls.

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

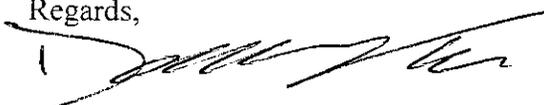
and mercury are of particular concern because they are toxic; persist in the environment, and bioaccumulate.

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.

The state law referenced in this letter issued by this Agency is OAC 3745-17-09 which is authorized by The Ohio Revised Code (ORC) 3704.03 (*Powers of director of environmental protection*). ORC 3704.05; (*Prohibited acts*) is the rule that would be utilized by the law department to seek a penalty by ORC 3704.99 (*Penalties*) of a fine not more than \$25,000.00 or imprisonment of not more than one year, or both, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

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.

Regards,



Denny Tan

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

Enc:

- 1) US EPA "The Hidden Hazards of Backyard Burning"
- 2) OAC 3745-17-09
- 3) OAC 3745-31-02

Pc:

- 1) Open burn file; and
- 2) NOV Correspondence file, February 2009.

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Sent To **HARRY TEETER**

Street, Apt. No.,
or PO Box No. **713 MARION AVE SW**

City, State, ZIP+4 **CANTON OHIO 44707**