

Air Pollution Control Division



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

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

Daniel J. Aleman
APCD Administrator

COPY

CERTIFIED MAIL

Thursday, January 17, 2008

Rocco A. Pellegrini
1919 FRAZER AVE NW
CANTON, OH 44709

Re: NOTICE OF REPEAT VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-04; UNAUTHORIZED ILLEGAL OPEN BURNING IN UNRESTRICTED AREAS.

Dear Mr. Pellegrini

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.

On Wednesday, January 16, 2008, you were found illegally open burning at your property of 2893 Mount Pleasant ST NE, Canton, OH 44721 in Lake Township of Stark County. I inspected your property on this day at 3:30 PM and obtained visual and photographic evidence of the waste disposal in three separate open burn areas. Per our discussion, you stated that you currently do not have a refuse pick-up service, and I advised you to extinguish the fire, obtain a refuse pickup service and to not conduct illegal open burning in the future because you stated that you were afraid of snakes.

Since your residence is located in what the OEPA defines as an unrestricted area, individuals in unrestricted areas are permitted to conduct open burning for recreational and outdoor cooking purposes. According to Ohio Administrative Code, 3745-19-04, the following conditions apply to recreational fires in an unrestricted area;

- a) *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;*
- b) *They are not used for waste disposal purposes; and*

- c) *They shall have a total fuel area of three feet or less in diameter and two feet or less in height.*

The following conditions apply for disposal of residential waste or agricultural waste generated on the premises if all 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 or liquid petroleum products.*

Be advised that property owners can be held responsible for the actions of their tenants.

This incident was not your first violation. I have a prior illegal open burning report dated October 25, 2004 with photographic evidence.

Be aware that, by repeat violations, this office, at any time, can initiate enforcement proceedings that can result in a fine starting at \$500.00 from 2 separate open burnings at \$250.00 each for;

- a) *Illegal open burning for waste disposal of landscape waste, beverage cans, lumber, roofing shingles and metal hardware, notice of violation sent 10/25/04.*
- b) *Illegal open burning for residential waste disposal consisting of construction materials, and window shutters on January 16, 2008, notice of violation sent 01/17/08.*

This agency strongly advises you to conduct any future open 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 open burning 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 01/16/08 at 3:30 PM
- 2) OAC 3745-19-01
- 3) OAC 3745-19-04
- 4) US EPA "The Hidden Hazards of Backyard Burning"
- 5) Ohio EPA "Before You Light It..."

Pc:

- 1) Addressee via first-class and certified mail to 1919 Frazer AVE NE, 44709
- 2) Open burn file
- 3) NOV file
- 4) Hartville Fire Department, Chief Richard Kameron, P.O. Box 458, Hartville, OH 44632
- 5) Lake Township Trustee, Ellis Erb, President, 12360 Market Avenue North, Hartville, OH 44632

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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Certified Fee		2.65
Return Receipt Fee (Endorsement Required)		2.15
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	5.38



Sent To	ROCCO A. PELLEGRINI
Street, Apt. No., or PO Box No.	1919 FRAZER AVE NW
City, State, ZIP+4	CANTON OH 44709

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0004 5529 3295

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 type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><input checked="" type="checkbox"/> <i>Rocco Pellegrini</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Rocco Pellegrini</i> 7/19/08</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><i>Rocco Pellegrini</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">ROCCO A. PELLEGRINI 1919 FRAZER AVE NW CANTON OH 44709</p>	<p>3. Service Type</p> <p><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 style="text-align: center; font-size: large;">7006 0810 0004 5529 3295</p>