

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

January 03, 2008

Mr. Richard Merinar
Mrs. Sharon J. Merinar
2540 34th ST NE
Canton, OH 44705-3714
Plain Township
Stark County

**Re: NOTICE OF VIOLATION: REPEAT OFFENSES OF OHIO ADMINISTRATIVE
CODE 3745-19-03, OPEN BURNING IN RESTRICTED AREAS**

Dear Mr. and Mrs. Merinar:

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.

A Plain Township Fire Department report was received at this office on January 03, 2008 for an illegal open burning on December 20, 2007 at your residence of 2540 34th ST NE Canton, OH 44705-3714. I inspected your residence on the morning of January 03, 2008 and obtained visual and photographic evidence of two violations of the Ohio Administrative Code (OAC) 3745-19-03(B)(2)(b) and 3745-19-03(B)(2)(c) Specifically: 1) the fire is not to be used for waste disposal purposes, and 2) the fire area was in excess of 3 feet in diameter

Since your residence is located within a mile of the Canton City limits, you live in what the OEPA defines as a restricted area. Individuals in restricted areas are permitted to conduct open burning for recreational and outdoor cooking purposes. The following conditions apply to recreational fires:

- 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 two feet or less in height.*

This incident was not your first violation. I have records from the Plain Township Fire Department and this Agency from March 7th, 2006 and photographs showing a burning of chairs, a mattress, wood and cabinets.

Be aware that, by these violations, you have subjected yourself to the possibility of enforcement actions. This office, at any time, can initiate enforcement proceedings that can result in fines of \$250 a day for each violation. This agency strongly advises you to conduct any future open burning in strict compliance with the Ohio EPA regulations and with the Plain Township Fire Department's Guidelines for Open Burning so as to avoid any further response from either the fire department or this office.

This Agency would appreciate your cooperation with regard to this matter. 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) OAC rule 3745-19-03
- 2) Ohio EPA Open Burning Regulations Brochure "*Before You Light It...*"
- 3) Photographs (taken on 01/03/08 and on 03/07/06)
- 4) United States EPA "*The Hidden Hazards of Backyard Burning*"
- 5) Plain Township Fire & Rescue Guidelines for Open Burning

Pc:

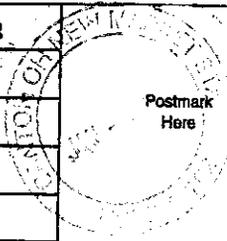
- 1) Addressee via first-class and certified mail
- 2) Open burn file
- 3) NOV file
- 4) Correspondence File
- 5) Chief John Sabo, Plain Township Fire & Rescue Guidelines for open burning:
2600 Easton ST NE, Canton, OH 44721-2600
- 6) Tax Mailing Address: C/O Sharon J. Kozee, 5383 Clearhaven ST NE, East Canton, OH 44730.

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



Sent To
 MR. & MRS. RICHARD MERINAR
 Street, Apt. No., or PO Box No. 2540 34TH ST NE
 City, State, ZIP+4 CANTON OH 44705-3714

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:
 MR. & MRS. RICHARD MERINAR
 2540 34TH ST NE
 CANTON OH 44705-3714

COMPLETE THIS SECTION ON DELIVERY

A. Signature Addressee Agent
Richard Merinar

B. Received by (Printed Name) *RICHARD MERINAR* C. Date of Delivery *1-10-08*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7005 3110 0000 8719 9032