

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

CERTIFIED MAIL

Monday, June 30, 2008

Attn: Mr. Harold Thompson
4480 Kirby AVE NE
Canton, OH 44705
Plain Township

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-03
UNAUTHORIZED ILLEGAL OPEN BURNING IN A RESTRICTED AREA.**

Dear Ms. Thompson:

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 Friday, June 27, 2008 at 3:30 PM, I inspected your residential property in response to a possible illegal open burning at 4480 Kirby AVE NE, Canton, OH 44705 within Plain Township of Stark County. I viewed and photographed the evidence of the illegal open burning of yard waste in a large open burn area, a violation of The Ohio Administrative Code 3745-19-03.

Since this residential property is located in what the Ohio Administrative Code 3745-19-01 (K) 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 two feet or less in height.*

There are 15 locations within Stark County that offer *Yard Waste Collection Programs* where residents can leave unbagged yard waste at no charge. In Plain Township, there is a location at

the Fire Department at 2855 Easton ST NE open on Monday, Thursday, and Saturday from 8:00 AM to 6:00 PM.

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.*

This is to inform you that enforcement proceedings may be initiated to assess and collect administrative penalties via The Ohio Administrative Code 3745-19-06; Open Burning Unilateral Order. 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 06/27/08 at 3:30 PM.
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06
- 4) Plain Township Guidelines for open burning, and permission form.
- 5) Stark County yard waste recycling drop-off locations.
- 6) AEP tree and power line information.

Pc:

- 1) Addressee via certified mail and a copy via first class mail 7 to 10 days after the date of this letter if initial NOV is unclaimed.
- 2) Open burn file.
- 3) NOV Correspondence file, June 2008.

DT / dt



Photograph of a residential open burning area with evidence of yard waste disposal in a larger than three feet diameter burn area.

4480 Kirby AVE SE, OH 44705 – Plain TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 06/27/08 at 3:30 PM.

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Total Postage & Fees	\$ 5.90



Sent To
MR HAROLD THOMPSON
 Street, Apt. No.;
 or PO Box No. **4480 KIRBY AVE NE**
 City, State, ZIP+4 **CANTON OH 44705**

PS Form 3800, August 2006

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 HAROLD THOMPSON
 4480 KIRBY AVE NE
 CANTON OH 44705**

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
James E. Bird
 B. Received by (Printed Name) C. Date of Delivery
JAMES E. BIRD **7/1/08**
 D. Is delivery address different from item 1? Yes No
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