

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

Tuesday June 24, 2008

Attn: Mr. Lee Giavasis
1015 Schneider ST NE
Canton, OH 44721
Plain Township

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

Dear Ms. Giavasis:

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 Monday, June 23, 2008 at 2:30 PM, I inspected your residential property in response to a possible illegal open burning at 1015 Schneider ST NE, Canton, OH 44721 within Plain Township of Stark County. I viewed the evidence of the illegal open burning of yard waste in a burn barrel waste disposal, 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) OAC 3745-19-03
- 2) OAC 3745-19-06
- 3) Plain Township Guidelines for open burning, and permission form.
- 4) Stark County yard waste recycling drop-off locations.

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

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To
 MR LEE GIAVASIS
 Street, Apt. No.,
 or PO Box No. 1015 SCHNEIDER ST NE
 City, State, ZIP+4 CANTON OH 44721

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 LEE GIAVASIS
 1015 SCHNEIDER ST NE
 CANTON OH 44721

2. Article Number
 (Transfer from service label)

7008 0150 0001 8204 7904

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Lee Giavasis* Agent Addressee

B. Received by (Printed Name) *Lee Giavasis* C. Date of Delivery *6/2/06*

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

3. Service Type
 Certified Mail Express Mail
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