

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

Friday, May 30, 2008

Ms. Eva M. Starosta
5879 Arlington RD
Clinton, OH 44216
(330) 896-9874

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

Dear Ms. Starosta:

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, May 28, 2008 at 3:25 PM, I inspected your residential property in response to a North Lawrence Fire Department notification that they responded to an ongoing smoldering fire at the location of a demolished barn at 12900 Lincoln ST NW Massillon, OH 44647, in Tuscarawas Township of Stark County. I photographed the evidence of the open burning, a violation of The Ohio Administrative Code 3745-19-04.

Since this residential property is located in what the Ohio Administrative Code 3745-19-01 (K) defines as an unrestricted area, according to The Ohio Administrative Code, 3745-19-04 (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.*

The Ohio Administrative Code 3745-19-05 does not allow open burning for the purpose of structural demolition unless certain conditions are met and with proper permission from the Ohio

EPA and local fire department. If a structure is to be burned you must call the asbestos program coordinator to obtain a copy of NESHAPS regulations (614) 644-2270. All vinyl siding and asphalt shingles should have been removed prior to burning. Any asbestos containing material may have needed to be removed prior to burning.

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 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 05/28/08 at 3:30 PM
- 2) OAC 3745-19-04: Open burning in unrestricted areas.
- 3) OAC 3745-19-06: Open burning unilateral order.
- 4) Ohio EPA Open burning request form.
- 5) Ohio EPA Notification of demolition and renovation with instructions.

Pc:

- 1) Addressee via certified mail.
- 2) Open burn file.
- 3) NOV Correspondence file, May 2008.

DT / dt



12900 Lincoln ST W, OH 44647 – Tuscarawas TWP. Photo taken by The North Lawrence Fire Department.

Photo shows illegal open burning at location of demolished barn in rear area of residential property.



12900 Lincoln ST W, OH 44647 – Tuscarawas TWP. Photo taken by The North Lawrence Fire Department.

Photo shows illegal open burning at location of demolished barn in rear area of residential property.



12900 Lincoln ST W, OH 44647 – Tuscarawas TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 05/28/08 at 3:50 PM.

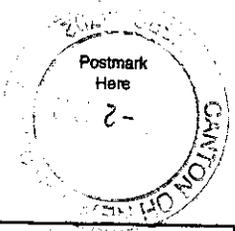
Photo shows illegal open burning at location of demolished barn in rear area of residential property.

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Sent To
 Street, Apt. No., or PO Box No. **EVA M. STAROSTA**
5879 ARLINGTON RD
 City, State, ZIP+4 **CLINTON OH 44216**

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:

EVA M STAROSTA
5879 ARLINGTON RD
CLINTON OH 44216

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
Eva M Starosta Agent Addressee

B. Received by (Printed Name) **Eva M. Starosta** C. Date of Delivery **6-9-08**

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
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4. Restricted Delivery? (Extra Fee) Yes

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