

Air Pollution Control Division

Canton City Health Department

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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

CERTIFIED MAIL

Wednesday, May 28, 2008

Attn: Mr. Casey W. Cline
14890 Elmside AVE NE
Alliance, OH 44601
Lexington Township
Stark County

COPY

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

Dear Mr. Cline:

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 Tuesday, May 27, 2008 at 2:45 PM, I inspected your residence in response to a Lexington Township report of possible illegal open burning in the rear yard of Virginia Matheson's (your Grandmother's) residence at 14890 Elmside ST NE, Alliance, OH 44601 in Lexington Township of Stark County. I photographed evidence of the illegal open burning of a carpet remnant, tire and scrap metal and wire moved to a large area for the purpose of waste disposal and scrap metal recovery, a violation of The Ohio Administrative Code 3745-19-03. The burn area is estimated at approximately 8 to 10 feet in diameter.

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.*

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 05/27/08 at 2:45 PM
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06

Pc:

- 1) Addressee via certified mail and a copy via first class mail 7 to 10 days after the date of this letter.
- 2) Open burn file.
- 3) NOV Correspondence file, May 2008.
- 4) Lexington Township Fire Department, Chief Johnson

DT / dt



14890 Elmside ST NE, OH 44601 – Lexington TWP. Photo shows unauthorized open burning area at rear of residential property, taken by Ohio EPA Staff Field Inspector II, Denny Tan for Canton Local Air Agency on 05/27/08 at 2:45PM.



14890 Elmside ST NE, OH 44601 – Lexington TWP. Photo shows unauthorized open burning evidence moved from burn area at rear of residential property, taken by Ohio EPA Staff Field Inspector II, Denny Tan for Canton Local Air Agency on 05/27/08 at 2:45PM.



14890 Elmside ST NE, OH 44601 – Lexington TWP. Photo shows unauthorized open burning evidence moved from burn area at rear of residential property, taken by Ohio EPA Staff Field Inspector II, Denny Tan for Canton Local Air Agency on 05/27/08 at 2:45PM.

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CANTON
 MAY 29 2008
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Sent To
CASEY W. CLINE
 Street, Apt. No., or PO Box No. **14890 ELMSIDE AVE NE**
 City, State, ZIP+4 **ALLIANCE OH 44601**

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:

CASEY W. CLINE
14890 ELMSIDE AVE NE
ALLIANCE OH 44601

2. Article Number
 (Transfer from service label)

7008 0150 0001 8204 8222

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *V. Wilkinson* Agent Addressee

B. Received by (Printed Name) *V. Wilkinson* C. Date of Delivery *5-30-08*

D. Is delivery address different from item 1? Yes
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3. Service Type
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