

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

CERTIFIED MAIL

Tuesday, May 27, 2008

Attn: Mr. Michael D. Parsons
7611 Kallerer AVE SW
Navarre, OH 44662-9642
Sugarcreek Township
Stark County

COPY

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

Dear Mr. Parsons:

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, May 16, 2008 at 11:00 AM, I inspected your residential property in response to an anonymous complaint reporting possible illegal open burning in your rear yard at 7611 Kallerer AVE SW, Navarre, OH 44662 in Sugarcreek Township of Stark County. I photographed evidence of the illegal open burning of a mattress in a large area for the purpose of waste disposal, 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.*

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 05/16/08 at 11:00 AM
- 2) OAC 3745-19-04
- 3) OAC 3745-19-06

Pc:

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

DT / dt



7611 Kallerer AVE SW, OH 44662 – Sugarcreek TWP. Photo shows unauthorized open burning evidence at rear of residential property, taken by Ohio EPA Staff Field Inspector II, Denny Tan on 05/16/08 at 11:00 AM.



7611 Kallerer AVE SW, OH 44662 – Sugarcreek TWP. Photo shows unauthorized open burning evidence at rear of residential property, taken by Ohio EPA Staff Field Inspector II, Denny Tan on 05/16/08 at 11:00 AM.

**U.S. Postal Service™
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Postage	\$
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To
MICHAEL D PARSONS
 Street, Apt. No., or PO Box No. **7611 KALLERER AVE SW**
 City, State, ZIP+4 **NAVARRE OH 44662-9642**

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:

**MICHAEL D PARSONS
 7611 KALLERER AVE SW
 NAVARRE OH 44662-9642**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X Bobb Parsons

B. Received by (Printed Name) **Bobb Parsons**

C. Date of Delivery **5-28-08**

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

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)

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PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540