

# 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

COPY

FIRST CLASS MAIL

Thursday, May 22, 2008

Attn: Mr. Robert Mahoney  
240 Proudley AVE SW  
Massillon, OH 44646

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

Dear Mr. Mahoney:

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 02, 2008 at 9:30 AM, I inspected your residential property in response to an anonymous complaint reporting possible illegal open burning in your rear yard at 240 Proudley AVE SW, Massillon, OH 44646 in Perry Township of Stark County. I photographed evidence of the illegal open burning of pallets in a large area for the purpose of waste disposal, a violation of The Ohio Administrative Code 3745-19-03. The smell of gasoline was still noticeable with the removal of the tarp used to conceal the illegal open burning evidence.

Since this residential property is located in what the Ohio EPA defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03; 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 Perry Township Fire Department has guidelines in addition to OAC 3745-19-03 for recreational fires;

1. *A recreational fire shall not last for no more than 3 hours in time;*
2. *Must be 25 feet from any structure, and area around the fire free of debris.*

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 are being initiated to assess and collect administrative penalties via The Ohio Administrative Code 3745-19-06; Open Burning Unilateral Order. 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 05/02/08 at 9:30 AM
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06

Pc:

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

DT / dt