

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

Monday, April 28, 2008

Paul Pratt Service
Attn: Mr. Paul Pratt
12271 Barrs RD SW
Massillon, OH 44647

COPY

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

Dear Mr. Pratt:

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, April 25, 2008 at 11:48 AM, I inspected your vacant land property behind your commercial service garage as a response to a Brewster Fire Department notification. On your property at 11771 Barrs RD SW, Massillon, OH 44647 in Tuscarawas Township of Stark County I photographed evidence of the open burning of slab wood in a large area for the purpose of landscape waste disposal. State Route 30 is less than approximately 250 feet away from the open burn location. I advised you of the Ohio Administrative Code 3745-19-04.

Since this commercial property is located in what the Ohio EPA defines as an unrestricted area, according to The Ohio Administrative Code, 3745-19-04; 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.*

Permission to individuals and notification to the Ohio EPA of an open burning is made pursuant to The Ohio Administrative Code 3745-19-05. An Attached Open Burning Request Form is attached.

A. Permission

1. An application for permission to open burn shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as required by the Ohio EPA.
2. Except as provided in paragraph (A)(6) and (A)(7) of this rule, such applications shall contain, as a minimum, information regarding:
 - a. The purpose of the proposed burning;
 - b. The nature of quantities of material to be burned;
 - c. The date or dates when such burning will take place;
 - d. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
 - e. The methods or actions which will be taken to reduce the emissions of air contaminants.
3. Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Administrative Code.

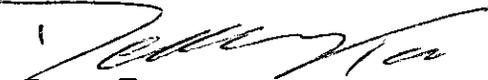
B. Notification:

1. Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.
2. Such notification shall inform the Ohio EPA regarding:
 - a. The purpose of the proposed burning;
 - b. The nature and quantities of materials to be burned;
 - c. The date or dates when such burning will take place; and

- d. The location of the burning site.
3. The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.

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 04/25/08 at 11:48 AM
- 2) OAC 3745-19-04
- 3) OAC 3745-19-06
- 4) Open Burn Request Form

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file, April 2008
- 4) Brewster Fire Department – Chief Dale Starcher

DT / dt



1

Photo shows unauthorized open burning evidence at wooded land at rear of property.

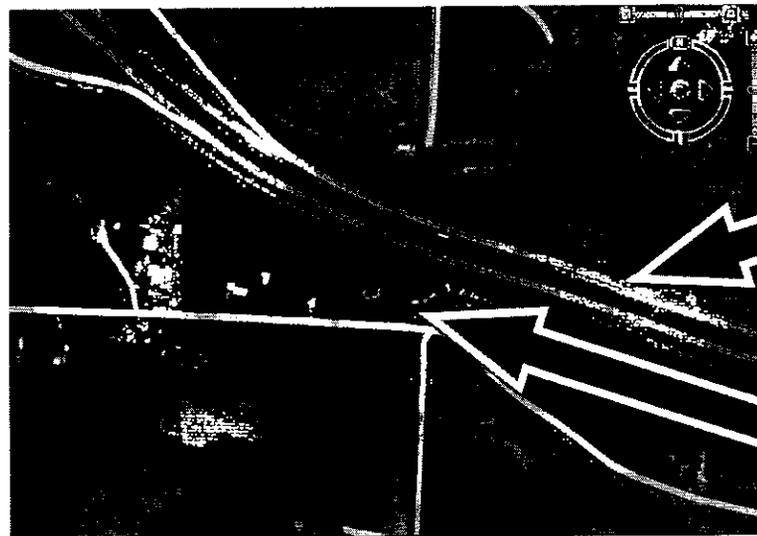
11771 Barrs RD SW, OH 44647 – Tuscarawas TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/25/08 at 11:48 AM.



2

Photo shows unauthorized open burning evidence at wooded land at rear of property.

11771 Barrs RD SW, OH 44647 – Tuscarawas TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/25/08 at 11:48 AM.



State Route 30

Location of Open Burning at 11771 Barrs RD SW, Massillon, OH 44647

Aerial image from Google Earth for 11771 Barrs RD SW, OH 44647 – Tuscarawas TWP.

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38



Sent To
 PAUL PRATT SERVICE
 Street, Apt. No., or PO Box No. ATTN: MR. PAUL PRATT
 City, State, ZIP+4 12271 BARRS RD SW
 MASSILLON OH 44647
 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:

 PAUL PRATT SERVICE
 ATTN: MR. PAUL PRATT
 12271 BARRS RD SW
 MASSILLON OH 44647

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Paul Pratt
 B. Received by (Printed Name) *Paul Pratt* C. Date of Delivery *5-3-08*
 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
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

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