

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

Monday, April 28, 2008

Ms. Kristen Lichtenwalter
1613 Frederick AVE SW
Canton, OH 44706

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

Dear Ms. Lichtenwalter:

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 Thursday, April 24, 2008 at 1:09 PM, I inspected your residence of 1613 Frederick AVE SW, Canton, OH 44706, located in McKinley Township of Stark County. During this inspection, I obtained visual and photographic evidence of the unauthorized burning of possibly treated wood behind your residence in a 55-gallon drum smoker. At the time of inspection, there was no evidence of waste disposal in the drum.

Since your residence 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 except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.*

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 \$25,000.00 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) City of Canton Codified Ordinance 1513.02 and 1513.03
- 2) City of Canton Recreational Fire Permission Form

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file (April 2008)
- 4) Canton City Fire Department – Chief Stephen J. Rich, Interoffice Memo

DT / dt

U.S. Postal Service
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Total Postage & Fees	\$ 5.21



Sent to
 KRISTEN LICHTENWALTER
 Street, Apt. No., or PO Box No. 1613 FREDERICK AVE SW
 City, State, ZIP+4 CANTON OH 44706

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:

 KRISTEN LICHTENWALTER
 1613 FREDERICK AVE SW
 CANTON OH 44706

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Address:
 B. Received by (Printed Name) KRISTEN LICHTENWALTER
 C. Date of Delivery 4-30-07
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
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4. Restricted Delivery? (Extra Fee) Yes

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