

Air Pollution Control Division

Canton City Health Department

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Terri Dzienis
Acting APCD Administrator

James M. Adams, R.S. MPA
Health Commissioner

OhioEPA
APC Contractual Representative
Serving All of Stark County

CERTIFIED MAIL

May 23, 2011

Mr. JW Raabe
11090 Webb Ave NE
Alliance OH 44601-1839

Re: INVESTIGATION OF ILLEGAL OPEN BURNING

Dear Mr. Raabe:

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.

On Friday May 20, 2011, I was at your residence and we discussed your fire which was in progress burning waste wood products and tree trimmings. Burning this material is considered burning for waste disposal which is a violation of Ohio Administrative Code 3745-91-03 (A). Despite what anyone may have told you, the fact that you were burning wood does not make the fire legal as far as the Ohio EPA is concerned.

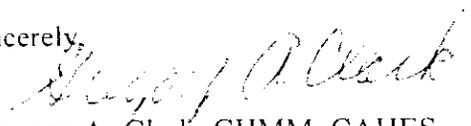
There are recycling centers that take the tree trimmings. There are two facilities near you:

1. Alliance Recycling Center, 15969 River St. NE, OPEN: Mon. - Fri. 7:30am - 4:30pm, Sat 7:30am - 4:30pm Contact Alliance Recycling at **330-821-8057** for more information.
2. Lexington Township Fire Station #2, North Rockhill Rd. OPEN: Dawn to Dusk Contact the township at **330-823-7627** for more information.

Recreational fires, such as cooking fires *are* permitted by Ohio EPA. They must be no higher than 2 feet high nor larger than 3 feet in diameter and must burn only clean firewood or equivalent. Painted or stained wood is not considered clean. No burning for waste disposal is permitted.

There is no enforcement planned at this time, but be aware that future violations could result in monetary fines.

Sincerely,


Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer

Attachment: OAC Rule 3745-19-03; "Before You Light It"

cc: Addressee via first class mail
Correspondence File
Complaints, Open Burn, Lexington Township
Lexington Volunteer Fire Department, 14555 Gaskill DR NE, Alliance, OH 44601
GA Clark

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Sent To **MR J W RAABE**
 Street, Apt. No., or PO Box No. **11090 WEBB AVE NE**
 City, State, ZIP+4 **ALLIANCE OH 44601-1839**

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:
 MR J W RAABE
 11090 WEBB AVE NE
 ALLIANCE OH 44601-1839

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Barbara Oakes Addressee

B. Received by (Printed Name) **BARBARA OAKES** C. Date of Delivery **5-24-11**

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

2. Article Number (Transfer from service label) **7009 0080 0002 0413 2794**

3745-19-03 Open burning in restricted areas.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-19-01 of the Administrative Code titled "Incorporation by reference."]

(A) No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code.

(B) Open burning shall be allowed for the following purposes **without notification to or permission** from the Ohio EPA:

(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(2) 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:

(a) 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;

(b) They are not used for waste disposal purposes; and

(c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of rule 3745-50-45 of the Administrative Code.

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by paragraphs (B)(1), (B)(2), and (B)(4) of this rule

- **shall not be used for waste disposal purposes and**
- **shall be of minimum size sufficient for their intended purpose;**
- **the fuel shall be chosen to minimize the generation and emission of air contaminants.**

(C) Open burning shall be allowed for the following purposes with **prior notification** to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Administrative Code:

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio department of agriculture, or U.S. department of agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of paragraph (B)(2) of this rule, provided the following conditions are met:

(a) They have a total fuel diameter less than three feet and a height and burn no longer than three hours;

(b) They are not used for waste disposal purposes; and

(c) 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.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

(a) The fire is set only when atmospheric conditions will readily dissipate contaminants;

(b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

(c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;

(d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

(e) No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(D) Open burning shall be allowed for the following purposes upon **receipt of written permission** from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in paragraph (B)(3) of this rule;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State fire marshal division of the Ohio department of commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in paragraph (A)(1) of rule 3745-19-05 is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the director and performed as identified in the appendix of this rule. If deemed necessary, the open burning may be authorized with prior oral approval by the director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural, range, or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.