

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

Wednesday, October 29, 2008

New Franklin Christian Academy
Mr. Joe Sommers, Administrator
16310 Lisbon ST SE
Minerva, OH 44657-9184

Certified Mail
Stark County

Re: Possible illegal use of chemically treated hardwood as fuel for an Outdoor Wood Burning Furnace with.

Dear Mr. Sommers:

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 of investigating and enforcing 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 Wednesday, October 22nd, 2008 at 11:35 AM, I inspected the New Franklin Christian Academy property for a possible illegal use of chemically treated wood as fuel for an Outdoor wood burning furnace at 16310 Lisbon ST SE, Minerva, OH 44657-9184, in Paris Township of Stark County. This inspection was conducted in response to an anonymous notification that you had recently acquired this wood as fuel. I had obtained photographic evidence of the "railroad-ties". For best burn practices, the type of fuel recommended for use is to be untreated, seasoned, natural hardwood. The "railroad-ties" may be chemically treated with either;

- 1) Creosote
- 2) Copper arsenate
- 3) Pentachlorophenol

Currently the Ohio EPA does not prohibit the installation and use of wood-fired outdoor furnaces for the purposes of creating heat and/or hot-water for residential use on the property. However, good operating practice mandates that these devices do not emit significant quantities of smoke and/or odor. Moreover, your appliance may be subject to a federal regulation, the USEPA Federal New Source Performance Standard AAA on New Residential Wood Heaters. This regulation states that applicable wood-burning appliances must be installed and operated in a manner consistent with the owner's manual [40 CFR 60.538 (f)]. In any case, please review your owner's manual and ensure that your heater's installation and operation is consistent with that document. If the use of improper fuel such as chemically treated wood is used in the appliance, it may then be subjected to "Incinerator" restrictions.

The Ohio Administrative Code (OAC) 3745-19-01(B)(9) defines "Incinerator" as any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn liquid, semi-solid or solid refuse or to process salvageable materials by burning other than by open burning as defined in rule 3745-19-01 of the Administrative Code.

OAC 3745-17-09 states that no person shall cause, suffer, or allow to be emitted into the ambient air from any incinerators, particulate emissions in the exhaust gases in excess of: 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, for incinerators having incineration capacities equal to or greater than one hundred pounds per hour; or 0.20 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged for incinerators having incineration capacities less than one hundred pounds per hour. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

The Ohio Administrative Code 3745-15-07 states that air pollution nuisances are prohibited. Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.

This Agency would appreciate your cooperation with regard to this matter. Should you have any questions concerning this letter please contact me at 330.489.3385.

Regards,



Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

Enc:

- 1) Photograph taken on 10/22/08 at 11:35 AM
- 2) Canton City Health Department, Air Pollution Control Division, Recommendations on Outdoor Wood Burning Furnaces
- 3) 3745-15-07
- 4) 3745-17-09

Pc:

- 1) Addressee via certified mail and a copy via first class mail 7 to 10 days after the date of this letter if initial NOV is unclaimed.
- 2) Open burn file.
- 3) NOV Correspondence file, October 2008.

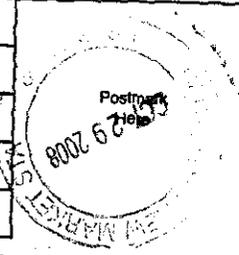
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Sent To **NEW FRANKLIN CHRISTIAN ACADEMY**
 Street, Apt. No., or PO Box No. **MR. JOE SOMMERS, ADMINISTRATOR**
16310 LISBON ST SE
 City, State, ZIP+4 **MINERVA, OH 44657-9184**

PS Form 3800, August 2006

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
NEW FRANKLIN CHRISTIAN ACADEMY
MR. JOE SOMMERS, ADMINISTRATOR
16310 LISBON ST SE
MINERVA, OH 44657-9184

2. Article Number
(Transfer from service label) **7008 0150 0001 8204 8086**

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A. Signature Agent
 Joe Sommers Addressee

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