

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

Friday, August 22, 2008

Clay's Park Resort
Attention: Christina Thompson, Controller
13190 Patterson RD NW
North Lawrence, OH 44666
Lawrence Township of Stark County



**Re: REPEAT VIOLATIONS: THE OHIO ADMINISTRATIVE CODE 3745-19-04;
UNAUTHORIZED ILLEGAL OPEN BURNING IN AN UNRESTRICTED AREA.**

Dear Ms. Thompson:

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 Friday, August 22, 2008 at 10:18 a.m., I inspected your commercial property for illegal open burning of land clearing waste. I photographed the evidence of the illegal land-clearing open burning evidence, a violation of The Ohio Administrative Code 3745-19-04.

Since this commercial property is located in what the Ohio Administrative Code 3745-19-01 (K) defines as an unrestricted area, according to The Ohio Administrative Code, 3745-19-04 (B); open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA; 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.*

"Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property

owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new construction of residential home development.

This Agency also requests that landscape waste materials have logs cut to firewood sized pieces (as applicable), seasoned, and then made available to campers for firewood. Smaller, unusable limbs should be chipped and/or mulched, or stacked to allow for natural decay. The 'burn pile' should be cleaned of all waste materials and such materials disposed of by proper means. Signs should be posted in the area stating "No Fires Allowed". Materials generated on the John O. Clay Exploration, Inc. properties and classified as land clearing wastes can be burned **ONLY IF**: 1) a proper application for a permit is made, 2) a written permit is obtained, and 3) all requirements for the proper burning of the land clearing wastes are met, including the use of an air curtain destructor (or other device or method determined by the Director of Ohio EPA to be at least as effective), to curtail the release of air contaminants. [See OAC rule 3745-19-04 (C)(4) and OAC rule 3745-19-05 (A)]. Permit application forms will be enclosed with this violation.

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 the third illegal burn documented by this Agency. The previous violation letters were sent to you dated July 7th, 2005, July 18th, 2005 and you had received information on the open burning regulations from this Agency dated May 16th, 2006. Since you have been warned previously and have demonstrated activity confirming your continuance to violate the cited regulations, **this Agency requests that you submit a letter of intent and a plan of action to this Agency within fourteen (14) days of your receipt of this letter.** The letter of intent should indicate your intentions with regard to compliance with the open burning regulations of the State of Ohio and your plan of action should indicate what action or actions you plan to take to prevent further violations and provide for an acceptable means for disposal of your land clearing wastes.

Please note that your submission of a written commitment and plan does not constitute a waiver of The Ohio EPA's authority to seek civil penalties as provided in the Ohio Revised Code ("ORC") §3704.06 or other legal action. The determination to pursue or to decline to pursue such penalties in this matter will be made at a later date. Should you know of a legitimate reason this Agency should not pursue additional enforcement action regarding this situation, please inform this Agency of such.



Clay's Park Resort is instructed 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 08/22/08 at 10:18 a.m.
- 2) OAC 3745-19-04
- 3) OAC 3745-19-06
- 4) Open Burning request forms
- 5) Ohio EPA Open Burning Regulations

Pc:

- 1) Addressee via certified mail
- 2) Eddie Hoover, Clay's Park Resort
- 3) Rob Winebrenner, Clay's Park Resort
- 4) Open burn file
- 5) NOV Correspondence file, August 2008

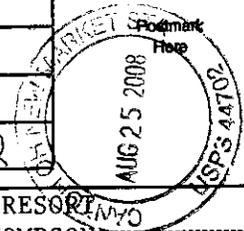
DT / dt

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| APC DT | Postage | \$ |
| | Certified Fee | 2.70 |
| | Return Receipt Fee (Endorsement Required) | 2.20 |
| | Restricted Delivery Fee (Endorsement Required) | |
| | Total Postage & Fees | \$ 5.32 |



Sent to **CLAY'S PARK RESORT**
 Street, Apt. No., or PO Box No. **CHRISTINA THOMPSON**
 City, State, ZIP+4 **13190 PATTERSON RD. NW**
NORTH LAWRENCE OH 44666

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:
CLAY'S PARK RESORT
CHRISTINA THOMPSON
13190 PATTERSON RD NW
NORTH LAWRENCE OH 44666

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature *x [Signature]* Agent Addressee

B. Received by (Printed Name) **Christina Thompson**

C. Date of Delivery **8/26/08**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7008 0150 0001 8203 7820

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540