

# Air Pollution Control Division

## Canton City Health Department

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**Daniel J. Aleman, P.E., MBA**  
APCD Administrator

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

*Copy*  
**OhioEPA**

APC Contractual Representative  
Serving All of Stark County

CERTIFIED MAIL

April 18, 2011

Eric E. and Lenora Petz  
401 North St.  
Wilmot, OH 44689

**Re: NOTICE OF VIOLATION, OHIO ADMINISTRATIVE CODE RULE 3745-19-03**

Dear Eric E. and Lenora Petz:

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 air pollution regulations.

On Monday, April 11, 2011, I was in Wilmot to survey the area for residences having committed Ohio EPA open burning violations. I discovered evidence of open burning for waste disposal on what appears to be your property. The evidence consisted mainly of the remains of a box spring, the metal frame of a folding chair, and other pieces of metal. This constitutes a violation of Ohio Administrative Code Rule 3745-19-03(A) which states that 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. Paragraph B allows open burning for occupational needs, recreational fires, disposal of explosives, and fire extinguisher training. Paragraph D allows open burning under certain circumstances if permission from the Ohio EPA is obtained first. Your fire did not meet the criteria for neither Paragraph B nor Paragraph D.

There is no additional enforcement planned at this time, but please be aware that future violations could incur monetary penalties.

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

Attachment: Photo; OAC Rule 3745-19-03

cc: Addressee via first class mail  
Tom Kalman, Ohio EPA, P.O. Box 1049, Columbus, OH 43216-1049  
Correspondence File  
Complaints, Open Burn, Sugarcreek Township  
Wilmot Fire and Rescue, P. O. Box 178 Wilmot OH, 44689  
GA Clark



The binder is not part of the fire. It is there to give scale to the photo.

401 North St., Wilmot OH GA Clark 04/11/11

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<b>Total Postage &amp; Fees</b>	<b>\$ 5.74</b>



Sent To  
**ERIC E AND LENORA PETZ**  
 Street, Apt. No. or PO Box No. **401 NORTH ST**  
 City, State, ZIP+4  
**WILMOT OH 44689**

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:  
**ERIC E AND LENORA PETZ**  
**401 NORTH ST**  
**WILMOT OH 44689**

2. Article Number  
 (Transfer from service label)  
 PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
*X Lenora Petz*

B. Received by (Printed Name)

C. Date of Delivery  
**4-20-11**

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

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Domestic Return Receipt

### 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 area no greater than five feet in diameter by five feet in 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.

Effective: 07/07/2006  
R.C. 119.032 review dates: 01/20/2006 and 07/07/2011  
CERTIFIED ELECTRONICALLY  
Certification Date: 06/27/2006  
Promulgated Under: 119.03  
Statutory Authority: R.C. Section 3704.03(E)  
Rule Amplifies: R.C. Section 3704.03(A), 3704.03(E)  
Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/00