

Air Pollution Control Division

Canton City Health Department

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Monday, October 13, 2008

Mr. Raymond Beck
PO Box 30129
East Canton, OH 44730

Certified Mail
Stark County

Re: Information provided on the Ohio Administrative Code 3745-19-04; Unauthorized illegal open burning in an unrestricted area.

Dear Mr. Beck:

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 Monday, October 13, 2008 at 9:45 a.m., I inspected your agricultural property as requested by Mr. Jamie Geier to help determine if open burning would be allowable at 8515 Georgetown ST NE, Louisville, OH 44643, in Nimishillen Township of Stark County.

Since this agricultural 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 (C); open burning shall be allowed for the disposal of land clearing waste generated on the premises upon receipt of written permission from the Ohio EPA if the following conditions are observed.

1. *The fire is set only when atmospheric conditions will readily dissipate contaminants;*
2. *The fire does not create a visibility hazard on roadways, railroad tracks, or air fields;*
3. *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; and*
4. *An air curtain destructor or other device or method determined by the director to be at least as effective is used to curtail release of air contaminants;*

"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 agricultural development.

Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent

properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Administrative Code.

According to the Ohio EPA; open burning can release many kinds of toxic fumes. Leaves and plant materials send aloft millions of spores when they catch fire, causing many people with allergies to have difficulty breathing. The pollutants released by open burning also make it more difficult to meet health-based air quality standards, especially in or near large cities. The gases released by open burning can also corrode metal siding and damage paint on buildings. Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxin in the nation. Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury. These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

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.*

The state law referenced in this letter issued by this Agency is OAC 3745-19-04 which is authorized by The Ohio Revised Code (ORC) 3704.03 (*Powers of director of environmental protection*). ORC 3704.05; (*Prohibited acts*) is the rule that would be utilized by the law department to seek a penalty by ORC 3704.99 (*Penalties*) of a fine not more than \$25,000.00 or imprisonment of not more than one year, or both, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

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) OAC 3745-19-03, OAC 3745-19-04, OAC 3745-19-05; and
- 2) Open burn request form.

Pc:

- 1) Open burn file; and
- 2) Correspondence file, October 2008.

DT / dt