

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

CERTIFIED MAIL

Friday, July 11, 2008

Mr. Joseph A. Steiner
523 Elmford AVE SW
Massillon, OH 44646-3854
Perry Township of Stark County

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-03;
UNAUTHORIZED ILLEGAL OPEN BURNING IN A RESTRICTED AREA.**

Dear Mr. Steiner:

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, July 11, 2008 at 10:40 a.m., I inspected your commercial property for illegal open burning of land clearing waste at parcel # 1300680, 4322 13th Street NW, Canton, OH 44710-2611 in Canton Township of Stark County. I photographed the evidence of the in progress commercial land clearing open burning evidence, that you stated has been occurring for 7 days, a violation of The Ohio Administrative Code 3745-19-03.

Since this commercial property is located in what the Ohio Administrative Code 3745-19-01 (J) defines as a restricted 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.

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.*

You should check with your local government as well as regional and state officials. There may be multiple regulations regarding land clearing, including but not limited to, timber permits, silt fencing, tree ordinances, burning, composting, burying organic material, etc. You might be surprised to discover that the trees you intend to remove might have value to someone. In some cases, they will actually come in and do the tree removal for you as part of the arrangement.

This agency strongly advises you 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) Photograph taken on 07/11/08 at 10:40 a.m
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06

Pc:

- 1) Addressee via certified mail, then 1st class if necessary after 10 to 14 days if not received.
- 2) Open burn file
- 3) NOV Correspondence file, July 2008

DT / dt

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**

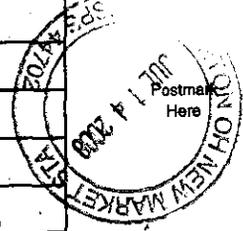
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Postage	\$ 1.00
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.90



Sent to Joseph A. Steiner
 Street, Apt. No., or PO Box No. 523 Elmford Ave, S.W.
 City, State, ZIP+4 MASSILLON OH 44646-3854

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:

Joseph A. Steiner
523 Elmford Ave, S.W.
MASSILLON, OH 44646-3854

2. Article Number (Transfer from service label) 7008 0150 0001 8204 7607

COMPLETE THIS SECTION ON DELIVERY

A. Signature Joseph A Steiner Agent Addressee

B. Received by (Printed Name) Joseph A Steiner C. Date of Delivery 7-21-04

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

3. Service Type

Certified Mail Express Mail
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4. Restricted Delivery? (Extra Fee) Yes