

# 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**

Wednesday, July 09, 2008

Mr. Don Nelson  
4179 Clermont NW  
North Lawrence, OH 44666  
Lawrence Township of Stark County

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-04;  
UNAUTHORIZED ILLEGAL OPEN BURNING IN AN UNRESTRICTED AREA.**

Dear Mr. Nelson:

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 Tuesday, July 8, 2008 at 3:00 p.m., I inspected your commercial property for illegal open burning of land clearing waste at parcel # 2411465 on Orrville Street NW, North Lawrence, OH 44666 in Lawrence Township of Stark County. I photographed the evidence of the in progress commercial land clearing open burning evidence and evidence of prior open burnings, 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.

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) Photographs taken on 07/08/08 at 3:30 PM
- 2) OAC 3745-19-04
- 3) OAC 3745-19-06
- 4) Open Burning request forms

Pc:

- 1) Addressee via certified mail, then 1<sup>st</sup> class if necessary after 10 to 14 days if not received.
- 2) Open burn file
- 3) NOV Correspondence file, July 2008
- 4) Hunt Club Homes Realty, 8838 Appleknoll ST NW, Massillon, OH 44646

DT / dt

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<b>Total Postage &amp; Fees</b>	<b>\$ 5.32</b>



Sent To Don Nelson  
 Street, Apt. No., or PO Box No. 4179 Clermont St, NW  
 City, State, ZIP+4 N. 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:

MR. Don Nelson  
 4179 Clermont St, NW  
 N. Lawrence, OH 44666

2. Article Number  
 (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) DON NELSON  
 C. Date of Delivery 7/11/08  
 D. Is delivery address different from item 1?  Yes  
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 If YES, enter delivery address below:

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Sent to: Gary Zillich & Sandra Swan Zillich  
 Street, Apt. No. or PO Box No. 8838 Apple Knoll St., NW  
 City, State, ZIP+4 MASSILLON OH 44646  
 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.
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1. Article Addressed to:

Gary Zillich & Sandra Swan-Zillich  
 8838 Apple Knoll St., NW  
 MASSILLON, OH 44646

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 B. Received by (Printed Name) GARY L. ZILLICH  
 C. Date of Delivery 7/11/08  
 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

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 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Sent To **MR DONALD NELSON**  
 Street, Apt. No., or PO Box No. **4179 CLERMONT NW**  
 City, State, ZIP+4 **NORTH LAWRENCE, OHIO 44666**

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

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1. Article Addressed to:

MR DONALD NELSON  
 4179 CLERMONT NW  
 NORTH LAWRENCE, OH 44666

2. Article Number  
*(Transfer from service label)*

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Donald Nelson*  Agent  Addressee

B. Received by (Printed Name) **DONALD NELSON** C. Date of Delivery **7-24-08**

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

3. Service Type  
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 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes