

(to resp. file)

# Air Pollution Control Division



APC Contractual Representative  
Serving All of Stark County

## Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544  
(330) 489-3385 • Fax: (330) 489-3335

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

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

**CERTIFIED MAIL**

April 15, 2010

Ms. Lisa R. MacEithey  
529 Oak Ave SE  
Massillon, OH 44646-6866

**Re: OPEN BURNING ON YOUR PROPERTY IN VIOLATION OF OHIO EPA REGULATIONS**

Dear Ms. MacEithey,

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 potential violations of Ohio EPA (OEPA) air pollution regulations.

I am in receipt of information that the Massillon Fire Department was called to your property on the evening of April 11, 2010 in response to a large smoky fire. On Wednesday, April 14, 2010, I was at your property in Massillon and observed and photographed the fire pit located in your back yard. Please be aware that property owners are responsible for violations committed on their property, regardless of who set the fire.

Based on the evidence available to this Agency, the following violations were committed against Ohio Administrative Code 3745-19-03:

OAC rule 3745-19-03(B)(2)(a) because the fire was not fueled with clean burning fuel  
OAC rule 3745-19-03(B)(2)(b) because the fire was used for waste disposal purposes  
OAC rule 3745-19-03(B)(2)(c) because the fire had a total fuel area greater than three feet

- (1) The attached photographs of the fire clearly show that the fire was not fueled with clean burning fuel. It had a dirty, smoky flame.
- (2) The post-fire photographs of the fire pit show evidence of burning for waste disposal as evidenced by the cardboard, the wood containing wood screws, and the remains of some fiberglass object.
- (3) I measured the diameter of the fire pit. It exceeds three feet.

Ms. Lisa R. MacEithey  
April 15, 2010  
Page 2 of 2

By this letter, and by copy of this letter to Joseph and Isner Yohn of 321 8<sup>th</sup> St SE, this Agency requests that all future open burning be conducted in accordance with OAC rule 3745-19-03. I attach a copy for your reference.

There will be no EPA enforcement or fines at this time. However, please be aware that the Ohio EPA is authorized to levy fines of \$250 per day per violation. This could occur with future violations.

Also, I am advised that this fire in question resulted in a violation notice from the Massillon Fire Department to John and Isner Yohn. Any penalties or fines that the City may impose on you or John and Isner Yohn is a separate matter and outside of any EPA authority.

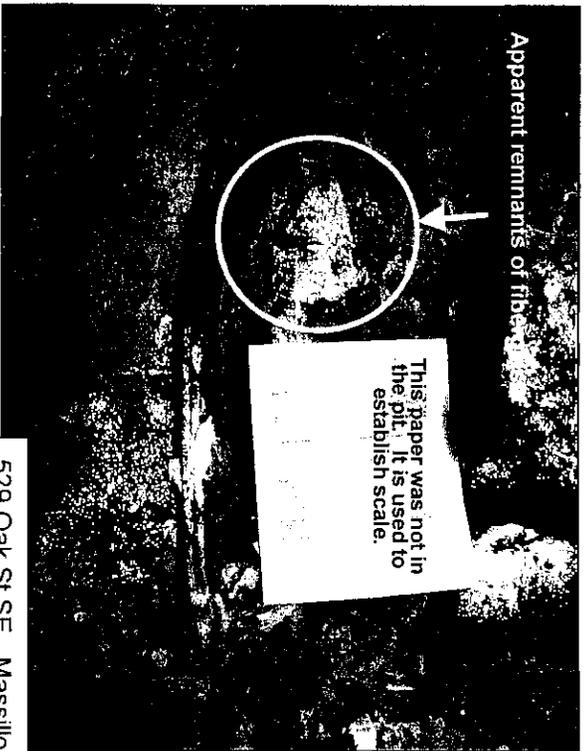
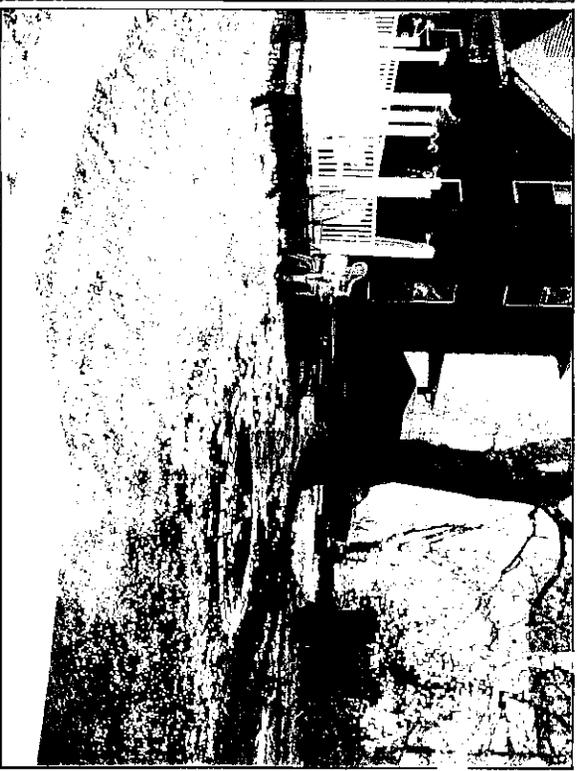
Sincerely,



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

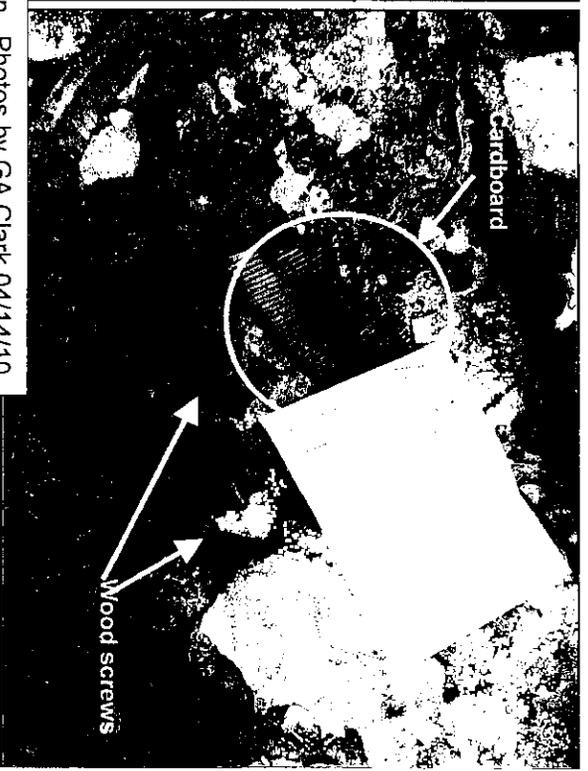
Enclosure: OAC Rule 3745-19-03; Photographs

cc: Joseph and Isner Yohn, 321 8<sup>th</sup> ST SE, Massillon OH 44646 via certified mail  
Joseph and Isner Yohn, 321 8<sup>th</sup> ST SE, Massillon OH 44646 via first class  
Addressee via First Class Mail  
Correspondence File  
Complaints, Open Burn, Residential, Massillon Township  
Reggie Winters, Massillon Fire Department, 233 Erie St. S., Massillon OH 44646  
GA Clark



Apparent remnants of fiber

This paper was not in the pit. It is used to establish scale.



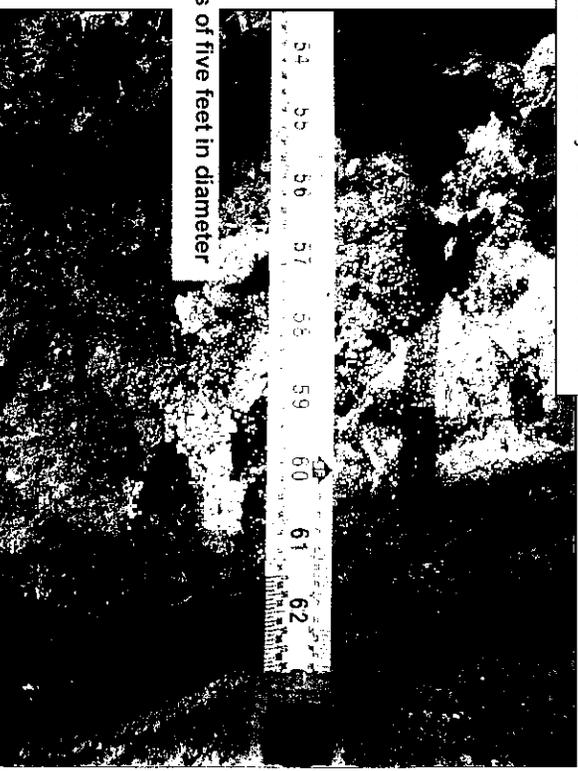
Cardboard

Wood screws

529 Oak St SE, Massillon. Photos by GA Clark 04/14/10



This five plus in excess of five feet in diameter





529 Oak St SE , Massillon. 04/11/10 Photographer unknown.

**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:

MS. LISA R. MAC EITHEY  
 529 OAK AVENUE SE  
 MASSILLON, OH 44646-6866

2. Article Number  
 (Transfer from service label)

7009 0080 0002 0413 1339

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Lisa MacEithey*

- Agent  
 Addressee

B. Received by (Printed Name)

*Lisa MacEithey*

C. Date of Delivery

*4-16-00*

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)

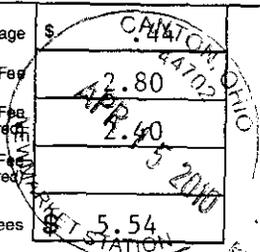
- Yes

7009 0080 0002 0413 1339

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For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Certified Fee		2.80
Return Receipt Fee (Endorsement Required)		2.40
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	5.54



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Sent To  
 MS LISA R MAC EITHEY  
 Street, Apt. No., or PO Box No. 529 OAK AVENUE SE  
 City, State, ZIP+4 MASSILLON, OH 44646-6866

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7009 0080 0002 0413 1346

7009 0080 0002 0413 1346

Postage	\$ .44
Certified Fee	22.80
Return Receipt Fee (Endorsement Required)	2.40
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

Postmark Here

Sent To  
**JOSEPH AND ISNER YOHN**  
Street, Apt. No.,  
or PO Box No. **321 8TH STREET SE**  
City, State, ZIP+4  
**MASSILLON, OH 44646**

### 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;

### **3745-19-03 Open burning in restricted areas.**

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