

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

Monday, April 27, 2009

Erik Klein
2807 Carriage Stone St.
Uniontown, OH 44685

Certified Mail
Stark County

Re: Notice of Violation: Ohio Administrative Code 3745-19-04; unauthorized illegal open burning in a restricted area.

Dear Mr. Klein:

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 04/24/09, at 2:42 PM., I inspected your agricultural parcel # 3105445 at the 11000 block of Marlboro AVE NE, in Marlboro Township for illegal open burning for waste disposal. I had obtained photo documentation of the illegal fire remains.

Since this 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 natural 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.*

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.

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.

You are strongly advised 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.

Regards,



Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

Enc:

1) OAC 3745-19-04;

Pc:

1) Open burn file;

2) NOV Correspondence file, April 2009; and

3) Tax mailing address: 10994 William Penn AVE, Hartville OH 44632.

DT / dt



Agricultural parcel # 3105445 on Marlboro AVE NE, Alliance, OH 44601; the photograph was taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/24/09 at 2:42 PM.

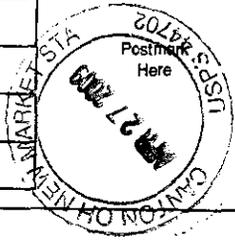
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Total Postage & Fees	\$ 5.32



Sent To
ERIK KLEIN
 Street, Apt. No., or PO Box No. **2807 CARRIAGE STONE ST**
 City, State, ZIP+4 **UNIONTOWN OH 44685**

PS Form 3800, June 2002 See Reverse for Instructions

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- 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:

ERIK KLEIN
2807 CARRIAGE STONE ST
UNIONTOWN OH 44685

2. Article Number
 (Transfer from service label)

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

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