

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

Friday, April 24, 2009

Mr. James and Cindy Lowery
6547 Milhaven Ave NW
Canal Fulton, OH 44614-9698

Certified Mail
Stark County

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

Attention Mr. James and Cindy Lowery:

The Canton City Health Department, Air Pollution Control Division represents the Ohio EPA in air quality matters within Stark County. As such, Air Pollution Control Division employees are charged with the responsibility of investigating and enforcing Ohio EPA air pollution regulations. Air Pollution Control Division employees are authorized under Ohio Revised Code 3704.03 (L) to enter upon private property to determine if there is noncompliance with Ohio EPA regulations.

On Monday, April 13, 2009 at 2:50 PM., I inspected your agricultural property for illegal open burning of construction and demolition debris waste at 3249 Alabama AVE NW, North Lawrence, OH in Stark County. I photographed the evidence of the in progress open burning a violation of The Ohio Administrative Code 3745-19-04.

Since this vacant 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 (B); open burning shall be allowed for the disposal of residential waste or agricultural waste generated on the premises but does not include building demolition.

"Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure. Therefore, the burning of a building whether it is demolished or not is still the burning of a building and is excluded from the definition of agricultural waste.

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 3745-17-09 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 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 alternative methods of land clearing waste disposal, this letter or the mentioned 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
- 2) Photograph taken 04/13/09 at 2:55 PM, and aerial image.

Pc:

- 1) Open burn file; and
- 2) NOV Correspondence file, April 2009.
- 3) Lieutenant Kevin Alloway, PO BOX 138, NORTH LAWRENCE, OH 44666-0138

DT / dt

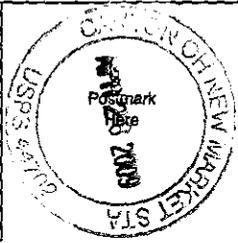
7006 0810 0004 529 1093

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Handwritten: APC/DT



Sent To **MR. JAMES & CINDY LOWERY**

Street, Apt. No.,
or PO Box No. **6547 MILHAVEN AVE NW**

City, State, ZIP+4
CANAL FULTON OH 44614-9698