

Air Pollution Control Division

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, MPH
Health Commissioner

Courtesy of EPA
OhioEPA
APC Contractual Representative
Serving All of Stark County

CERTIFIED MAIL

May 20, 2010

Ms. Katherine M. Popa
1151 23rd St SW
Massillon, OH 44647-7429

**Re: WARNING LETTER RE: ILLEGAL OPEN BURNING ON YOUR PROPERTY
IN MASSILLON**

Dear Ms. Popa:

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 and enforce Ohio EPA (OEPA) air pollution regulations.

On May 18, 2010 I was at your property in response to a report from then Massillon Fire Department. I observed two open burning locations on your property. At the time of my visit, there was no evidence of illegal open burning on your property.

However, this Agency is in receipt of information that the Massillon Fire Department has been called to your property twice within this month. They have provided photographic evidence of violations of Ohio Revised Code 3745-19-03 which prohibits burning for waste disposal.

Your tenants are allowed recreational fires for cookouts, etc. as long as the fire is fueled with clean wood or equivalent, the fire is not used for waste disposal purposes, and the fire size does not exceed three feet in diameter and two feet high.

Please be advised that property owners can be held responsible for the actions of their tenants and that further occurrences can lead to enforcement and fines.

Sincerely,



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

Enclosures: OAC Rule 3745-19-03; Photos; Stark County Auditor Page

cc: Addressee via First Class Mail

- Reggie Winters, Massillon Fire Dept., 233 S. Eire St., Massillon OH 44646
Correspondence File
- Complaints, Open Burn, Residential, Massillon Township
GA Clark

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;

Data For Parcel 0500301

Base Land Valuation Sales Sketch Tax Building Pictometry

Base Data

Parcel: 0500301
Owner: POPA KATHERINE M
Site Address: 1151 23RD ST SW
MASSILLON, OH 44647-7429
Map Routing Number: 05 060 03 00100
Tax Map: [Click Here](#)



[+] Map this property.

Tax Mailing Address

Address:
1151 23RD ST SW
City State Zip: MASSILLON OH 44647

Geographic Information

Tax District: 05 MASSILLON CITY-TUSLAW LSD
School District: 7617 TUSLAW LSD
City: MASSILLON CITY
Township: MASSILLON
Neighborhood ID: 005-04-00-18

Legal

Number of Sheets: 1
Legal Description: OL 499 .95A
DTE Classification: 510 - Residential, 1-Family Dwelling

Last Inspected: 10-28-2008
Allotment: MASSILLON
CITY -- Lot 499
Building Type: 10 - Single
Family

Recent Sale

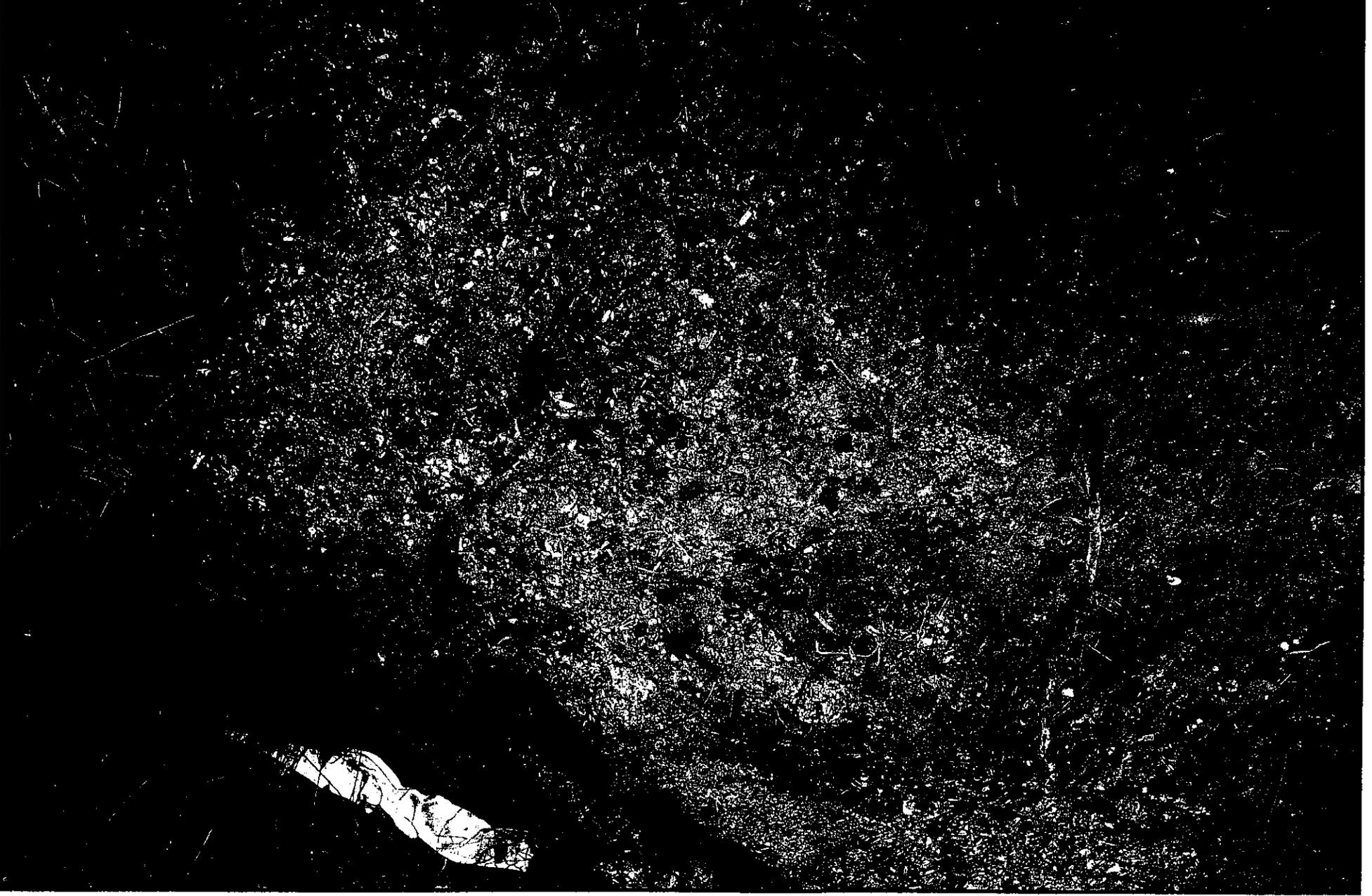
Transfer Date	Prior Owner	Stated Value	Taxable Value	No. Parcels	Arms Length Sale	Instrument No.	Work Order No.
10/15/2008		\$65,000	\$29,440	1	YES	200910150010822	2008 - 11439

Parcel History

No history data found for this parcel.



Photo of fire pit on parcel 0500301 showing evidence of burning insulation off of wire. Photo by Massillon Fire Dept 05/17/2010.



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

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

7009 0080 0002 0413 1551

Postage	\$.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

Postmark
Here

Sent To MS KATHERINE M POPA
Street, Apt. No.,
or PO Box No. 1151 23RD STREET SW
City, State, ZIP+4 MASSILLON oh 44647-7429

PS Form 3800, August 2005

See Reverse for Instructions