

Corresp File

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

OhioEPA
APC Contractual Representative
Serving All of Stark County

CERTIFIED MAIL

May 20, 2010

Faircrest Properties
5060 B Navarre Rd.
Canton, OH 44706

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

To Whom It May Concern:

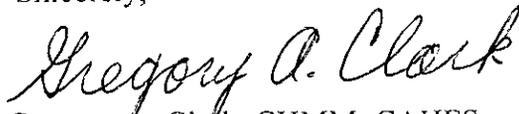
The Canton City Health Department, Air Pollution Control Division (APCD) represents the Ohio EPA in air quality matters within Stark County. As such, APCD employees are charged with the responsibility to investigate and enforce Ohio EPA (OEPA) air pollution regulations.

On May 18, 2010 I was at your property in response to a report from then Massillon Fire Department. I observed an open burning location on your property adjacent to the barn. 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.

Please be advised that property owners can be held responsible for the actions of trespassers 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
Mr. Charles Leisure, 1151 23rd St SW, Massillon, OH 44647-7429
Correspondence File
Complaints, Open Burn, Residential, Massillon Township
GA Clark

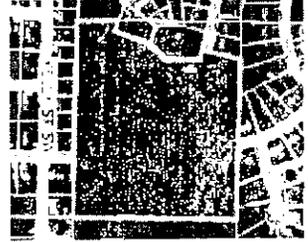
Data For Parcel 0500371

Base Land Valuation Sales Sketch Tax Building Pictometry

Base Data

Parcel: 0500371
Owner: FAIRCREST PROPERTIES LTD
Site Address: 23RD ST SW

Map Routing Number: 05 060 03 00910
Tax Map: [Click Here](#)



[+] [Map this property.](#)

Tax Mailing Address

Address:
5060 B NAVARRE RD
City State Zip: CANTON OH 44706

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 - 17.97A
DTE Classification: 190 - Agricultural, Other

Last Inspected: 08-22-2006
Allotment: MASSILLON
CITY -- Lot 499
Building Type: 0 -

Recent Sale

Transfer Date	Prior Owner	Stated Value	Taxable Value	No. Parcels	Arms Length Sale	Instrument No.	Work Order No.
3/31/2006		\$200,000	\$34,940	2	YES	200603310018956	2006 - 04115

Parcel History

No history data found for this parcel.

(b) They are not used for waste disposal purposes; and

(c) 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.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

(a) The fire is set only when atmospheric conditions will readily dissipate contaminants;

(b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

(c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;

(d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

(e) No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(D) Open burning shall be allowed for the following purposes upon **receipt of written permission** from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in paragraph (B)(3) of this rule;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State fire marshal division of the Ohio department of commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in paragraph (A)(1) of rule 3745-19-05 is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the director and performed as identified in the appendix of this rule. If deemed necessary, the open burning may be authorized with prior oral approval by the director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural, range, or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

Photo of fire pit on parcel 0500371 showing evidence of burning for waste disposal. Photo by Massillon Fire Dept 05/17/2010.





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Sent To
FAIRCREST PROPERTIES
 Street, Apt. No.,
 or PO Box No. **5060 B NAVARRE RD**
 City, State, ZIP+4 **CANTON OH 44706**

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.

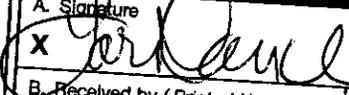
1. Article Addressed to:
FAIRCREST PROPERTIES
5060 B NAVARRE RD
CANTON OH 44706

2. Article Number
 (Transfer from service label)

7009 0080 0002 0413 1568

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name) **L. Vance** C. Date of Delivery **5-21-10**

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-02-M-1540