

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

Robert E. Pattison, MPA
Health Commissioner

Daniel J. Aleman
APCD Administrator

COPY

CERTIFIED MAIL

November 27, 2007

Mr. Francisco G. Aguilar
3030 19th Street NE
Canton, OH 44705

**Re: NOTICE OF VIOLATION OF THE OHIO ADMINISTRATIVE CODE 3745-19-03;
OPEN BURNING IN RESTRICTED AREAS. AND CITY OF CANTON
CODIFIED ORDINANCES 1513.02 (c)**

Dear Mr. Aguilar:

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. 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.

A report was received from the Canton City Fire Department of an open burning incident on 11/25/2007 for an unauthorized open burning on your residence at 3030 19th Street NE Canton, OH 44705. I inspected your residence on the morning of November 27, 2007 and obtained visual evidence of a violation of Ohio Administrative Code 3745-19-03 which is the Ohio EPA regulation covering open burning in restricted areas. Specifically: 1) the fire area was used for yard waste disposal of leaves. We were unable to discuss the matter because of our language barrier. I have provided to you in this notification a list of yard waste drop-off locations in Stark County.

Since your residence is located within the Canton City limits, you live in what the OEPA defines as a restricted area. Individuals in restricted areas are permitted to conduct open burning for recreational and outdoor cooking purposes. The following conditions apply to recreational fires;

(a) Application. Application for approval of recreational fires shall be verbally submitted to the Fire Prevention Bureau at least forty-eight (48) hours before the fire is set. If a recreational fire is planned for a weekend or holiday, notification shall be given by 4:00 p.m. Friday or by

4:00 p.m. on the last business day before the holiday. The following information shall be provided at the time the approval is requested:

- (1) The purpose of the fire;
- (2) The nature and quantities of the material to be burned;
- (3) The date, time and duration of the fire;
- (4) The location; and
- (5) The fire-extinguishing equipment to be provided.

(b) Location. The location of the fire shall not be less than fifty (50) feet from any structure.

(c) Material. The material shall be of the minimum size for the intended purpose, consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.

(d) Size and Duration. A recreational fire shall not be more than 2 ft. x 2 ft. x 2 ft. in dimension and shall not be permitted to burn longer than three (3) hours, unless approved by the Fire Prevention Bureau. All recreational fires shall be extinguished by 11:00 p.m.

(e) Attendance. A recreational fire shall be constantly attended until the fire is completely extinguished. Approved extinguishing equipment shall be available for immediate utilization at all times.

This Agency would appreciate your cooperation with regard to this matter. Should you have any questions concerning this letter or the open burning regulations, please contact me at (330) 489-3385.

Sincerely,



Denny Tan

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

- Enc:
- (1) OAC rule 3745-19-01
 - (2) OAC rule 3745-19-03
 - (3) Ohio EPA Open Burning Regulations Brochure
 - (4) City of Canton Codified Ordinances for open burning
 - (5) Stark County Yard Waste Recycling Centers

- Pc:
- (1) Addressee via first-class and certified mail
 - (2) Open burn file
 - (3) NOV file

3745-19-01 Definitions.

As used in Chapter 3745-19 of the Administrative Code:

- (A) "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.
- (B) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.
- (C) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:
- (1) A tornado.
 - (2) High winds.
 - (3) An earthquake.
 - (4) An explosion.
 - (5) A flood.
 - (6) A hail storm, a rain storm, or an ice storm.
- (D) "Garbage" means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (E) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.
- (F) "Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

- (G) "Ohio EPA" means the Ohio environmental protection agency director or agencies delegated authority by the director of the Ohio environmental protection agency pursuant to section 3704.03 of the Revised Code or the chief of any Ohio environmental protection agency district office.
- (H) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.
- (I) "Residential waste" means any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (J) "Restricted area" means the following:
- (1) Except as provided in paragraph (1)(2) of this rule, the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Revised Code, plus a zone extending one thousand feet beyond the boundaries of any such municipal corporation having a population of one thousand to ten thousand persons and a zone extending one mile beyond any such municipal corporation having a population of ten thousand persons or more according to the latest federal census.
 - (2) "Restricted area" shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of rule 3745-19-03 of the Administrative Code.
- (K) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in paragraph (J) of this rule.
- (L) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

- (1) Availability. The materials incorporated by reference are available as follows:

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(a) National Fire Protection Association. Information on the National Protection Association codes may be obtained by contacting association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered www.nfpa.org/catalog/home/index.asp. Copies of the code at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) NFPA publication 1403, "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures," November 2001 Edition.

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Effective: 07/07/2006

R.C. 119.032 review dates: 01/20/2006 and 07/07/2011

CERTIFIED ELECTRONICALLY
Certification

06/27/2006
Date

Promulgated Under: 119.03
Statutory Authority: R.C. Section 3704.03(E)
Rule Amplifies: R.C. Section 3704.03(A), 3704.03(E)
Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/90

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;
 - (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:

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- (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.

3745-19-03

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Effective: 07/07/2006

R.C. 119.032 review dates: 01/20/2006 and 07/07/2011

CERTIFIED ELECTRONICALLY
Certification06/27/2006
Date

Promulgated Under: 119.03
Statutory Authority: R.C. Section 3704.03(E)
Rule Amplifies: R.C. Section 3704.03(A), 3704.03(E)
Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/00

City of Canton, Certified Ordinances

1513.02 APPLICATION, LOCATION, MATERIAL, SIZE AND DURATION.

(a) Application. Application for approval of recreational fires shall be verbally submitted to the Fire Prevention Bureau at least forty-eight (48) hours before the fire is set. If a recreational fire is planned for a weekend or holiday, notification shall be given by 4:00 p.m. Friday or by 4:00 p.m. on the last business day before the holiday. The following information shall be provided at the time the approval is requested:

- (1) The purpose of the fire;
- (2) The nature and quantities of the material to be burned;
- (3) The date, time and duration of the fire;
- (4) The location; and
- (5) The fire-extinguishing equipment to be provided.

(b) Location. The location of the fire shall not be less than fifty (50) feet from any structure.

(c) Material. The material shall be of the minimum size for the intended purpose, consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.

(d) Size and Duration. A recreational fire shall not be more than 2 ft. x 2 ft. x 2 ft. in dimension and shall not be permitted to burn longer than three (3) hours, unless approved by the Fire Prevention Bureau. All recreational fires shall be extinguished by 11:00 p.m.

(e) Attendance. A recreational fire shall be constantly attended until the fire is completely extinguished. Approved extinguishing equipment shall be available for immediate utilization at all times.

Stark County

Stark County Recycling offers 15 Yard Waste Collection Programs where residents can leave unbagged yard waste at no charge. Materials will be loaded into the bins by township/village personnel. The materials will be hauled to an area composter where it will be recycled into mulch or compost. Contact Linda Morckel at **800-678-9839** if you have any questions.

PLEASE NOTE

NO DUMPING is permitted at the recycling and yard waste sites. If you see someone leaving trash at a site, please report a description of the car and license plate number to Linda Morckel at **800-678-9839**. Violators will be prosecuted.

NOT Accepted treated wood wooden furniture railroad ties business waste	Accepted Material grass shrubs leaves stumps branches
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YARD WASTE COLLECTION SITES

Beach City
Behind Police Dept.
Church Street
Dawn to Dusk

Lawrence Township
County Outpost
12649 Orrville St. SW
Mon-Fri. 7am - 3pm

Perry Township
Recycling Station
5075 Southway St. SW
Mon 10am-6pm, Fri 9-5pm
Tues-Thurs, Sat 8am-2pm

Brewster
Street Dept.
145 1/2 W. First Street
Dawn to Dusk

Massillon City
City Garage
401 Walnut Rd SW
Mon-Fri 7am - 6pm

Plain Township
Fire Department
2855 Easton St. NE
M, Th. & Sat 8am - 6pm

Canal Fulton
Street Department
950 Water Street
Dawn to Dusk

Navarre
Wastewater Plant
Hudson Drive
Mon-Fri. 7am - 3pm

Warstler Brothers
4125 Salway Ave NW
Tues-Fri. 8am - 5pm
Sat 8am - 3pm
**(Will Reopen
March 15, 2007)**

Canton Township
Township Building
4711 Central Ave SE
Dawn to Dusk

Nimishillen Twp
Township Garage
4915 N. Nickelplate St.
Dawn to Dusk

Tuscarawas Twp
Township Hall
956 Manchester Rd SW
Mon-Fri. 7:30-4pm

Jackson Township
West of High School
Fulton Drive
Dawn to Dusk

Paris Township
Township Office
14220 Freed St. SE
Dawn to Dusk

Wilmot
Behind Post Office
Rt. 62 & Rt. 250
Dawn to Dusk

Lake Township
Township Garage
1499 Midway St
Hartville
Dawn to Dusk

7005 3110 0000 8719 9926

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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38

Postmark
Here

Sent To FRANCISCO G. AGUILAR
 Street, Apt. No., or PO Box No. 3030 19TH ST NE
 City, State, ZIP+4 CANTON OH 44705

PS Form 3800, June 2002 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:

 FRANCISCO G. AGUILAR
 3030 19TH ST NE
 CANTON OH 44705

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature X-FRANCISCO G. AGUILAR Agent
 Addressee
 B. Received by (Printed Name) F Aguilar
 C. Date of Delivery 11-29-7
 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

7005 3110 0000 8719 9926

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540