

Air Pollution Control Division

OhioEPA

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 20, 2007

Mr. Jason Ryder
930 Smith Avenue SW
Canton, OH 44706

**Re: VIOLATION OF CITY OF CANTON CERTIFIED ORDINANCE 1513.02 (b), (c), AND (b).
POSSIBLE VIOLATION OF OAC 3745-19-03(B)(2)(a)**

Dear Mr. Ryder:

Recently, an alleged unauthorized illegal open burning was reported to the Canton Air Pollution Control Division, a Stark County representative for the Ohio EPA. It was forwarded from the Canton City Fire Department. Upon the arrival of the Canton City Fire Department to your residence on Saturday, November 17th 2007 at 5:59pm (your permit indicated allowance from 8:00 pm to 11:00 pm), they discovered a recreational fire in the area of the side yard. You had extinguished the remaining fire. A member of this office investigated the incident site on Tuesday November 20, 2007 at 10:00 am and unfortunately could not reach you at home concerning this matter. Photographs were taken for documentation. During the inspection, it was noticed that near the burn area, there was a partially burned and coiled bundle of copper wire. Burning this coating material on the copper is considered as illegal burning of residential waste which would be a violation of Ohio Administrative Code (OAC) 3745-19-03(B)(2)(a).

Because you are located in a designated restricted area, open burning is prohibited except for very specific and minimal allowances with special conditions per the enclosed Ohio Administrative Code (OAC) rule 3745-19-03 and the **City of Canton Codified Ordinances 1513.02 and 1513.03**. Any open burning on your property will be a violation of this regulation if all requirements are not met.

- (a) 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. Call (330) 489-3411 for further information.*
- (b) The location of the fire shall not be less than fifty (50) feet from any structure.*

- (c) *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) *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) *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.*

If you wish to properly dispose of freshly cut branches, grass, shrubs, leaves, and stumps, there are conveniently located recycling stations throughout Stark County. Enclosed are the open burning regulations for your information, and locations of yard waste collection sites.

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

- Enc: (1) OAC rule 3745-19-03
(2) Location of yard waste collection sites
(3) Ohio EPA Open Burning Regulations Brochure
(4) City of Canton, Certified Ordinances 1513.02, and 1513.03
(5) Photographs

- Pc: (1) Addressee via first-class and certified mail
(2) Open burn file
(3) NOV file
(4) Chief Stephen J. Rich – City of Canton Division of Fire

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:

- (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.

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
Statute: 119.03
Rule Amplification: 119.03
Prior Effective Dates: 07/07/2006

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.

(Ord 207-2001. Passed 9-24-01.)

1513.03 PROHIBITED OPEN BURNING.

(a) No person or property owner shall cause or allow open burning except as provided in Section 1513.02.

(b) If a recreational fire creates or adds to a hazardous or objectionable situation, the Fire Department shall order the property owner or person having control to extinguish the fire. If the property owner or person having control refuses, the Fire Department will extinguish the fire.

(c) If the fire is not a recreational fire which has been approved by the Fire Prevention Bureau, or any other form of open burning for which a permit has been issued by the Air Pollution Control Division of the Canton Health Department, it shall be extinguished and reported to the Air Pollution Control Division of the Canton Health Department.

(Ord. 207-2001. Passed 9-24-01.)

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

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

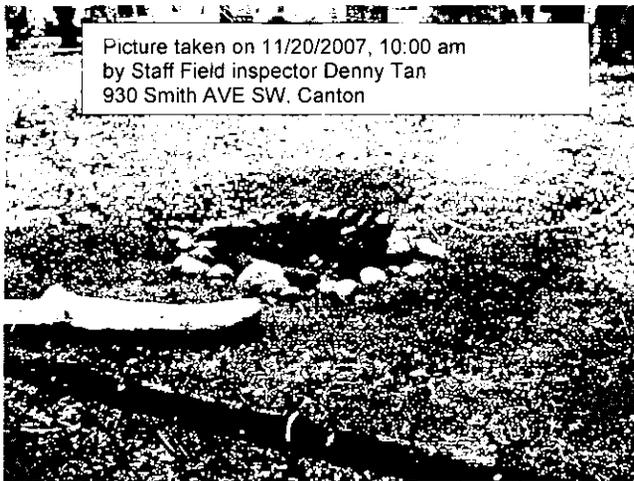
Wilmot
Behind Post Office
Rt. 62 & Rt. 250
Dawn to Dusk

Lake Township
Township Garage
1499 Midway St
Hartville
Dawn to Dusk



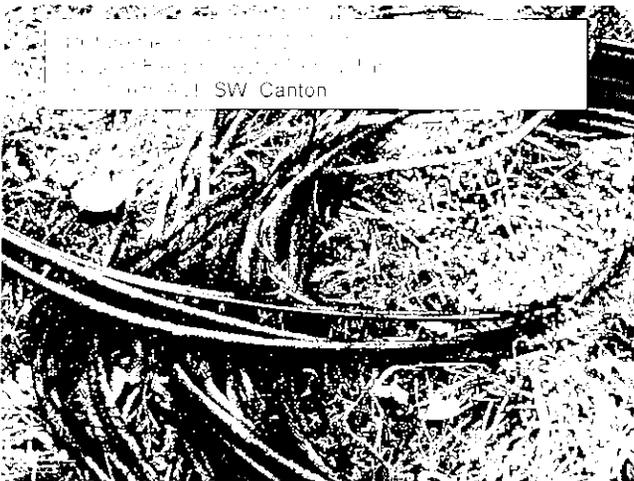
Picture taken on 11/20/2007, 9:30 am
by Staff Field inspector Denny Tan
930 Smith AVE SW Canton

Bundled and coiled copper wire
partially burned and melted.



Picture taken on 11/20/2007, 10:00 am
by Staff Field inspector Denny Tan
930 Smith AVE SW. Canton

Picture shows recreational fire site
located in rear of 930 Smith AVE SW,
Canton.



Picture taken on 11/20/2007, 10:00 am
by Staff Field inspector Denny Tan
930 Smith AVE SW Canton

Bundled and coiled copper wire
partially burned and melted.

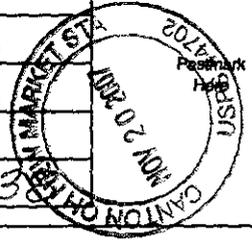
7005 3110 0000 8719 9858

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

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

OFFICIAL USE

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



Sent To: **JASON RYDER**
 Street, Apt. No., or PO Box No.: **930 SMITH AVENUE SW**
 City, State, ZIP+4: **CANTON OH 44706**

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:

JASON RYDER
930 SMITH AVENUE SW
CANTON OH 44706

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Jason Ryder Addressee

B. Received by (Printed Name) Date of Delivery
Jason Ryder **11/29/07**

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

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

7005 3110 0000 8719 9858

Domestic Return Receipt

102595-02-M-1540