

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

Ms. Louise Gibbs
Gibbs Family Partnership
7440 Brushmore RD NW
North Canton, OH 44720

COPY

Wednesday, August 5, 2009

Certified Mail
Stark County

Re: **NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-17-09; RESTRICTIONS ON PARTICULATE EMISSIONS AND ODORS FROM INCINERATORS.**

Dear Ms. Gibbs:

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

On Monday, July 27, 2009 at 3:00 PM., I met with your *Apartment Manager*; Mr. Bob Davis at the multi-unit commercial apartment complex located at 3939 Market AVE N in response to Canton City Fire Department notification. At the time of the inspection, the refuse incinerator was currently in operation.

Ohio Administrative Code 3745-17-09 states that no person shall cause, suffer, or allow to be emitted into the ambient air from any incinerators, particulate emissions in the exhaust gases in excess of: 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, for incinerators having incineration capacities equal to or greater than one hundred pounds per hour; or 0.20 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged for incinerators having incineration capacities less than one hundred pounds per hour.

Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

It should be noted that for commercial operations, Ohio EPA permits are required for an incinerator. Ohio Administrative Code 3745-31-02 states that no person shall cause, permit, or allow the installation of a new source of air pollutants, or cause, permit, or allow the modification of an air contaminant source, without first obtaining a permit-to-install from the director. EPA's rule contains strict MACT-based standards for new incinerators and emissions limits for existing incinerators. Incinerators release a number of pollutants, including cadmium, lead, mercury, dioxin, sulfur dioxide, hydrogen chloride, nitrogen dioxide, and particulate matter. Dioxin and mercury are of particular concern because they are toxic; persist in the environment, and bioaccumulate.

The United States EPA states that Dioxins are highly toxic, long-lasting organic compounds. They are dangerous even at extremely low levels and have been linked to several health problems, including cancer and developmental and reproductive disorders. Dioxins are formed when products containing carbon and chlorine are burned. Even very small amounts of chlorine can produce dioxins. Because burn barrels do not have the same strict controls as municipal incinerators, barrel burning releases significant amounts of dioxins. Trying to prevent dioxins from

forming by separating out items high in chlorine content is not effective, since low levels of chlorine are present in most household trash. Dioxins accumulate in the food chain. Airborne dioxins can settle onto feed crops, which are then eaten by domestic meat and dairy animals. Dioxins also can settle on water or enter waterways through soil erosion. These dioxins accumulate in the fats of animals, and then in humans when we consume meat, fish, and dairy products.

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 discontinue the operation of the facility incinerator and utilize the refuse services available and supplemented by recycling efforts.

If you have any questions concerning this letter or the regulations mentioned within, 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 3745-17-09
2. OAC 3745-31-02
3. Stark County Recycling

Pc:

1. Open burn file, Other;
2. NOV Correspondence file, July 2009;
3. Canton City Fire Prevention Bureau;
4. Canton City, Building / Code Enforcement; and
5. Canton City Health Department, Environmental Health – Community Services Enforcement

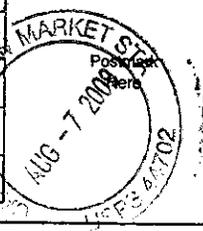
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 Street, Apt. No., or PO Box No. **ATTN: MS. LOUISE GIBBS**
7440 BRUSHMORE RD. NW.
 City, State, ZIP+4 **NORTH CANTON OH 44720**

PS Form 3800, August 2006 See Reverse for Instructions

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GIBBS FAMILY PARTNERSHIP
 ATTN: MS. LOUISE GIBBS
 7440 BRUSHMORE RD NW
 NORTH CANTON, OH 44720

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