

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

Daniel J. Aleman, P.E., MBA
APCD Administrator

James M. Adams, R.S. MPA
Health Commissioner

CERTIFIED MAIL

April 26, 2010

Ms. Tara Smith
3171 Smith Kramer St. NE
Hartville OH 44632-9155

Re: OPEN BURNING VIOLATION OF OHIO EPA REGULATIONS

Dear Ms. Smith,

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

I was at your place of residence on April 21, 2010 at the above address and documented open burning in violation of Ohio EPA regulations. Specifically, the fire was in violation of Ohio Administrative Code 3745-10-04(3)(c) because the fire was less than one thousand feet from an uninhabited building not on the premises.

By copy of this letter to the listed property owner, Terrence R. Begue, Mr. Begue is informed that property owners can be held liable for open burning violations committed by others on their property.

There will be no EPA enforcement or fines at this time. However, please be aware that the Ohio EPA is authorized to levy fines of \$250 per day per violation. This could occur with future violations.

Sincerely,


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

Enclosure: OAC Rule 3745-19-04; Distance measurements; Photographs

cc: Mr. Terrence Begue, 3171 Smith Kramer St NE Hartville OH 44632-9155 certified mail
Mr. Terrence Begue via first class mail
Addressee via First Class Mail
Correspondence File
Complaints, Open Burn, Residential, Lake Township
Danille Kemp, Lake Twp Fire Prevention Officer, 12360 Market Ave. N, Hartville, OH 44632
GA Clark

3745-19-04 Open burning in unrestricted 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 an unrestricted area except as provided in paragraphs (B) to (C) 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 except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.

(3) Disposal of residential waste or 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.

(4) 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.

(5) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by paragraphs (B)(1), (B)(2), (B)(3) and (B)(5) of this rule shall not be used for waste disposal purposes, and shall be of the minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.



3171 South Eastern Mt. St. Hartville G.A. Clark 04/21/10



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MS. TARA SMITH
 Street, Apt. No.,
 or PO Box No. **3171 SMITH KRAMER STREET NE**
 City, State, ZIP+4 **HARTVILLE, OH 44632-9155**

PS Form 3800, August 2006 See Reverse for Instructions

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- 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:
MS TARA SMITH
3171 SMITH KRAMER STREET NE
HARTVILLE, OH 44632-9155

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
Tara Smith
 B. Received by (Printed Name)
Tara Smith
 C. Date of Delivery
 D. Is delivery address different from item 1? Yes
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APR 28 2013
HARTVILLE, OH

Sent To **MR. TERRENCE BEGUE**
Street, Apt. No.,
or PO Box No. **3171 SMITH KRAMER STREET NE**
City, State, ZIP+4 **HARTVILLE, OH 44632-9155**

PS Form 3800, August 2006 See Reverse for Instructions

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