

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

OhioEPA
APC Contractual Representative
Serving All of Stark County



CERTIFIED MAIL

Thursday, July 31, 2008

Perry Township Fire Department
Chief Larry Sedlock
440 Canford AVE NW
Massillon, OH 44646
Perry Township of Stark County

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-04;
UNAUTHORIZED ILLEGAL OPEN BURNING IN AN UNRESTRICTED AREA.**

Attention Chief Sedlock:

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 of investigating and enforcing 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.

On Wednesday, July 30, 2008 at 3:00 p.m., I inspected the agricultural property at parcel # 4318879 on Richville DR SW, Navarre, OH 44662 for illegal open burning of structural material waste disposal in Perry Township of Stark County. Photographs were taken of the evidence from the open burning of structural materials for waste disposal, a violation of The Ohio Administrative Code 3745-19-04. This is to inform you that after an investigation along with the Perry Township Fire Prevention Bureau, at least two firefighters from the Perry Township Station 2 were involved with the unauthorized open burning; Michael Turner and Michael Nelligan. Witness accounts also indicated that there was on location, a Perry Township Fire Department Station 2 *Gator Utility Vehicle*.

The agricultural property is located in what the Ohio Administrative Code 3745-19-01 (K) defines as an unrestricted area. Therefore, according to The Ohio Administrative Code, 3745-19-05 (C) (2); open burning may be allowed upon written permission from the Ohio EPA for instruction in methods of fire fighting or for research in the control of fire 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.

The Canton City Health Department, Air Pollution Control division did not receive notification and therefore did not authorize the illegal open burning at 5400 Richville DR SW, Navarre, OH 44662.

Be aware that, pursuant to The Ohio Administrative Code 3745-19-06, Open burning unilateral order;

- 1. The director may assess and collect administrative penalties from any person who violates any of the rules in this chapter. Through unilateral orders, the director may assess a violator not more than \$250.00 per day for each separate violation of the rules in this chapter for open burning on residential property and not more than \$1,000.00 per day for each separate violation of the rules in this chapter for open burning on industrial, commercial, institutional, or municipal property. Commercial property includes construction sites, including, but not limited to, the construction of residential homes, if the sites are not properly permitted under section 3704.11(C) of the Revised Code. A separate violation is assessed for each day (24-hour period) the violation occurs.*
- 2. The director's authority under paragraph (A) of this rule is in addition to, and not in limitation of, the director's authority under section 3704.06 of the Revised Code to request the attorney general to initiate legal action to seek penalties of not more than twenty-five thousand dollars for each day of each violation for the violation of rules in this chapter.*

You are hereby strongly advised to ensure that your firemen conduct any future open burning in strict compliance with the Ohio EPA regulations so as to avoid any further response this agency. Should you have any questions concerning this letter, please contact me at (330) 489-3385.

Sincerely,



Denny Tan

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

Enc:

- 1) Photographs taken on 07/30/08 at 3:07 p.m.;
- 2) OAC 3745-19-04;
- 3) OAC 3745-19-05;
- 4) OAC 3745-19-06; and
- 5) Open burning request forms.

Pc:

- 1) Open burn file, NOV Correspondence file, July 2008;
- 2) Addressee via certified mail;
- 3) Bob Schnabel, 5553 Richville DR SW, Navarre, OH 44662 ;
- 4) Mark Abbott, Perry Township Fire Prevention Bureau;
- 5) Chad Shafer, Station 2 District Chief; and
- 6) Anna Capaldi, Craig Chessler, Lee Laubacher, Perry Township Trustees.

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Sent to
PERRY TOWNSHIP FIRE DEPARTMENT
Street, Apt. No., or PO Box No. CHIEF LARRY SEDLOCK
440 CANFORD AVE NW
City, State, ZIP+4 MASSILLON OHIO 44646

PS Form 3800, August 2006 See Reverse for In

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

PERRY TOWNSHIP FIRE DEPARTMENT
CHIEF LARRY SEDLOCK
440 CANFORD AVE NW
MASSILLON, OH 44646

2. Article Number
(Transfer from service label)

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PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

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Larry Sedlock Addressee

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LARRY SEDLOCK *8/14/08*

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