

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

COPY

CERTIFIED MAIL

Monday, July 14, 2008

ICAN Garden Apartments INC.
1214 Market AVE N
Canton, OH 44714

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-03;
UNAUTHORIZED ILLEGAL OPEN BURNING IN A RESTRICTED AREA.**

Attn ICAN Garden Apartments INC:

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 Monday, July 21, 2008 at 10:54 a.m., I inspected the Commercial apartments at 3302 Millvale AVE NE for illegal open burning for waste disposal at parcel # 0306095 in Canton, OH 44705 of Stark County. I photographed the evidence of the residential waste open burning evidence, a violation of The Ohio Administrative Code 3745-19-03.

Since the commercial apartments property is located in what the Ohio Administrative Code 3745-19-01 (J) defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03 (B); open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA; 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:

- 1. 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;*
- 2. They are not used for waste disposal purposes; and*
- 3. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.*

According to the US EPA, backyard burning is a more serious threat to public health and the environment than previously believed and has been banned by many state and local governments. Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxins in the nation. 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. 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.

Be aware that, 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.*

This agency strongly advises you to inform your property occupants to conduct any future open burning in strict compliance with the Ohio EPA regulations so as to avoid any further response. 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) Photographs taken on 07/21/08 at 10:54 a.m.
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06
- 4) US EPA, "The hidden hazards of backyard burning"

Pc:

- 1) Addressee via certified mail, then 1st class if necessary after 10 to 14 days from the date of this letter.
- 2) Open burn file.
- 3) NOV Correspondence file, July 2008.

DT / dt



Photo shows the illegal residential waste disposal open burning evidence.

3302 Millvale Ave NE, OH 44705. This photo was taken by Ohio EPA Staff Field Inspector II, Denny Tan on 07/21/08 at 10:54 a.m.



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ICAN GARDEN APARTMENTS INC.
 1214 MARKET AVENUE NORTH
 CANTON, OHIO 44714

Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Karen K. Mulla</i></p> <p>B. Received by (Printed Name): <i>Karen K. Mulla</i> C. Date of Delivery: <i>7-23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">ICAN GARDEN APARTMENTS INC. 1214 MARKET AVENUE NORTH CANTON, OHIO 44714</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number (Transfer from service label) 7008 0150 0001 8204 7812