

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

Wednesday, April 16, 2008

Ms. Darlene A. Guynup, Trustee
Anthony & Katherine Diano
1420 Buena Vista NE
Canton, OH 44714



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

Dear Ms. Guynup:

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 to investigate and enforce 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 Tuesday, April 15, 2008, I had received an anonymous call that open burning is occurring on your property at the 800 block of Bellflower AVE NW in Canton. I had inspected this location on Tuesday, April 15, 2008 at 10:50 AM. During this inspection, I obtained visual and photographic evidence of the open burning for waste disposal in a recreational burning area at the agricultural wooded land property. According to Stark County Auditor records, this vacant land is registered in your name. It is identified as *Parcel # 1400083* and classified as *Agricultural Wooded Land (50%)* which was transferred to you on 08/03/1994.

Since this residence is located in what the Ohio EPA defines as a restricted area, according to The Ohio Administrative Code 3745-19-03; 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 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.*

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 \$25,000.00 for each day of each violation for the violation of rules in this chapter.*

Be advised that property owners can be held responsible for the actions of their tenants.

This agency strongly recommends that you and/or your tenants conduct any future open burning in strict compliance with the Ohio EPA regulations so as to avoid any further response from this Agency. 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 04/15/08 at 10:50 AM

Pc:

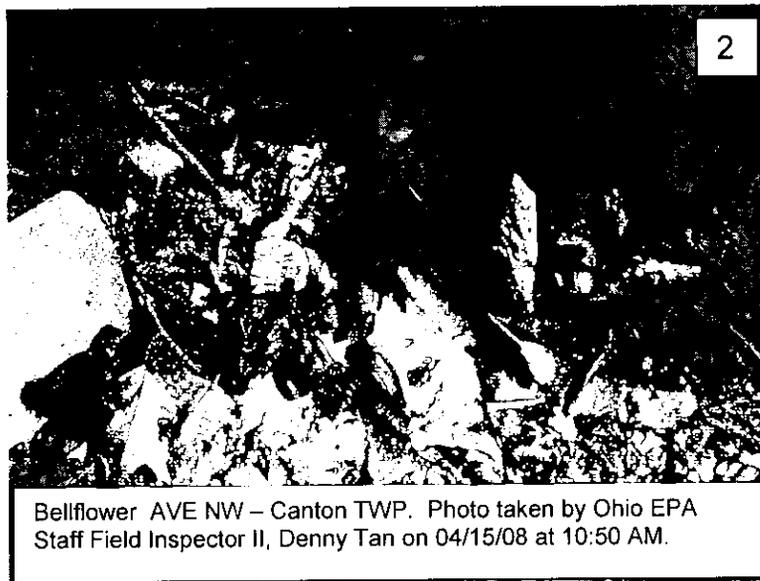
- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file (April 2008)
- 4) Canton Township Fire Department – Captain Karla Nevel
- 5) Anthony & Katherine Diano – 1000 Warner RD SE, Canton, OH 44707

DT / dt



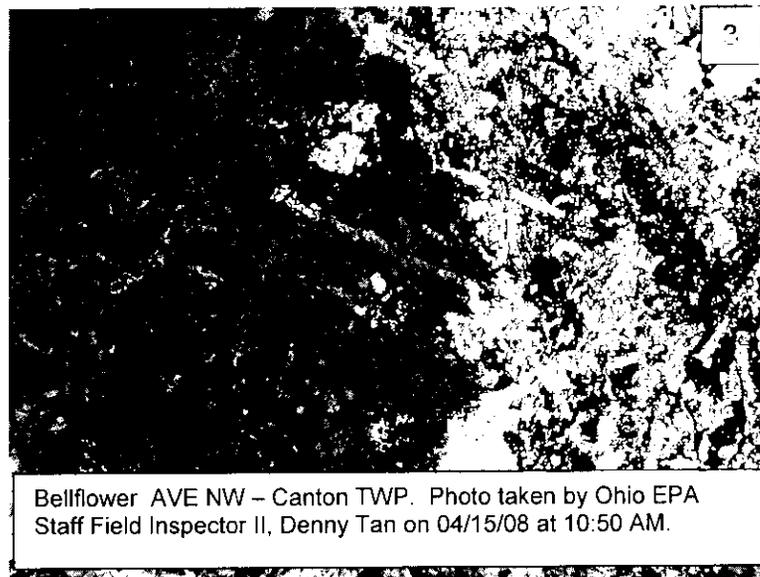
Bellflower AVE NW – Canton TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/15/08 at 10:50 AM.

Photo shows evidence of the open burning of residential waste for disposal on agricultural wooded land.



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Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.21	

Sent To: DARLENE A. GYNUF, TRUSTEE
 Street, Apt. No., or PO Box No.: ANTHONY & KATHERINE DIANO
 City, State, ZIP+4: 1420 BUENA VISTA NE
 CANTON OH 44714

PS Form 3808, June 2002 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 type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Darlene Gynup</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Darlene Gynup</i> C. Date of Delivery <i>4-28-08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>DARLENE A. GYNUF, TRUSTEE ANTHONY & KATHERINE DIANO 1420 BUENA VISTA NE CANTON OH 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>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

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