

# 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**

Monday, April 14, 2008

Hyson Paving Co.  
Attn: Mr. John Troyer  
1002 Pershing AVE NW  
North Canton, OH 44720

**COPY**

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

Dear Mr. Troyer:

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 Friday, April 11, 2008 at 1:45 PM, you were found illegally open burning at the Hysong Paving Co. of 1621 Allen AVE SE, Canton, OH 44707 in McKinley Township of Stark County. I inspected the warehouse facility and obtained visual and photographic evidence of the large 10'X15' open burning you were conducting for disposal of commercial waste like wood and cardboard products. I advised you of the Ohio Administrative Code 3745-19-03 and you cooperated by extinguishing the fire.

Since this commercial property 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.*

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.*

During my visit, I had observed the 5 gallon buckets of paint and chemicals on the side of your building. The best way to get rid of hazardous products is to use them up or give them away to someone who can. Since this is not always possible, the Stark-Tuscarawas-Wayne Joint Solid Waste Management District holds an annual Household Hazardous Waste Collection every year in the fall that provides residents the opportunity to turn in oil, paint, solvents, pesticides, automotive products, mercury, computers and other hazardous products for free. This usually occurs in August at Stark State College and in September at The Timken Company

Disposal recommendations for other products:

#### *Antifreeze*

Antifreeze can be disposed at the District's annual Household Hazardous Waste Collection.

#### *Batteries*

Alkaline batteries can be safely disposed in your trash. Batteries that should be recycled at our Hazardous Waste Collection include lead-acid batteries from engines and rechargeable batteries from cell phones, power tools, cordless phones and lap top computers. Lead-acid batteries can be turned in at many auto part stores. Rechargeable batteries can be turned in at many retail stores including Radio Shack, Target, Alltel, Sears, Staples, Lowes and many cell phone stores. For a list of rechargeable battery recycling locations visit the Rechargeable Battery Recycling Corporation.

#### *Drain Cleaner*

The recommended way to dispose of drain cleaner is to use it up according to package directions. Never mix drain cleaner with bleach or ammonia since toxic fumes or an explosion could occur.

#### *Gasoline and Kerosene*

These fuels can be disposed at the District's annual Household Hazardous Waste Collection or can be reconditioned and used up. These fuels, even if they are old or contain oil or water, can be used after being "reconditioned". Note: When mixing fuels for a lawn mower or snow blower be sure to only mix what you need. At the end of the season, allow the engine to run dry to use up any remaining fuel.

## *Household Cleaning Products*

These products should be used up or given to someone who can. Household cleaners can still be used even if they are several years old. Most water soluble cleaning products can be safely disposed down the drain with running water. Do not mix products. Aerosol products can be disposed by turning the can upside down and then depressing the nozzle to release the propellant. Do this outdoors. Dispose the container in the trash.

### *Oven Cleaner*

Oven cleaner is caustic material that should be used up according to package directions or it can be disposed at our annual Household Hazardous Waste Collection.

### *Mercury*

Liquid mercury and items that contain mercury such as thermometers, thermostats and switches should be disposed through our annual Household Hazardous Waste Collection. For more information on mercury check out the [Agency for Toxic Substances](#).

### *Motor Oil*

Used motor oil can be recycled at many service stations.

### *Paint*

The best option is to use up paint for its not it's intended purpose. If the paint is too old to use then you can secure your latex or oil paints for the District's annual Household Hazardous Waste Collection. Make sure to follow these guidelines when securing your paint:

- Keep in original container
- If container is leaking, wrap in heavy-duty plastic bags & place in a box with cat litter to contain any small leaks- Label new box with contents and date
- Store away from children and pets

You can also solidify your unusable paint. Depending on the type and quantity of paint, this procedure of drying out paint can be lengthy and may take up to several days or weeks.

1. Find a well-ventilated area that is protected from children and pets.
2. For small quantities (less than 1 inch), remove the lid and allow liquids to evaporate. (Make sure proper ventilation) Do not smoke near cans and avoid contact with the liquid or inhaling vapors.
3. For quantities greater than 1 inch left in container (latex only), you can add cat litter or sawdust to absorb the paint. Make sure to stir the mixture to allow air to flow through.
4. When completely dry, discard with the regular trash. With cans, leave the lids off so the trash company can see that the paint is hardened.

NOTE: Small quantities of paint and aerosol cans can also be painted on cardboard or newspaper to use up.

### *Pesticides/Herbicides*

The best way to dispose of these products is to use them up according to label directions unless the products contain banned ingredients like DDT or Chlordane. If it is not possible to use up the products then, safely store them for the District's "annual Household Hazardous Waste Collection".

### *Syringes and Hypodermic Needles*

Seal in an empty plastic pop bottle and label 'household syringes'. Discard in trash. DO NOT recycle.

### *Turpentine / Paint Removers / Solvents*

Unwanted solvents should be saved for the District's annual Household Hazardous Waste Collection. Solvents can also be reused until they have been used up without losing their effectiveness but they may need to be filtered first. To do so, pour the product through a coffee filter over a glass jar. Paint and other sludge particles will be trapped in the filter. Wrap the filter in newspaper and dispose in the trash. Store the clean solvent in a sealed and labeled glass jar.

### *Wood Stains and Sealers*

Use up, give to a friend or save for an upcoming Household Hazardous Waste Collection.

### Tips For Safe Handling of Hazardous Household Products

- Buy only what you need.
- Follow label directions and use only what is needed for the job. Twice as much does not mean twice the results.
- Wear gloves and protective clothing to prevent skin contact.
- Use products in well ventilated areas.
- Do not mix products. Doing so can cause dangerous chemical reactions or an explosion.
- Avoid aerosol products. Aerosols disperse the substance in tiny droplets that can be inhaled or absorbed through the skin.
- Store products in their original container in well-ventilated areas

Here are some locations where you can drop off your used tires for **free**. There is a 12 tire limit **per person per year** and the tires have to be off the rim. You can **ONLY** take car and light truck tires to these locations.

#### City of Canton

Phone (330) 430-7869

Address 742 Schroyer Ave SW

[Map This Location](#)

Hours Monday - Friday, 1:00 pm - 5:30 pm

Saturday, 8:00 am - 12:00 pm

*(only 4 tires at a time)*

#### Jackson Township Recycling Station

Phone (330) 833-7365

Address 5717 Wales Ave. NW

[Map This Location](#)

Hours Monday - Friday, 9:00am - 5:00pm

Saturday, 8:00am - 3:00pm

*(only 4 tires at a time)*

***Note: Tires must be clean and free of  
water and debris***

This agency strongly advises you to 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 04/11/08 at 1:45 PM

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file, April 2008
- 4) Canton City Fire Department, Chief Stephen J. Rich - Interoffice Memo

DT/dt



Photo shows evidence of a restricted area large open burning on commercial property.

1621 Allen AVE SE – McKinley TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/11/08 at 1:45PM.



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THIS ADDRESS SHOULD BE PRINTED IN THE TOP OF ENVELOPE TO THE RIGHT OF THIS ADDRESS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>HYSONG PAVING CO  ATTN MR JOHN TROYER  1002 PERSHING AVE NW  NORTH CANTON OH 44720</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>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>
<p>2. Article Number  (Transfer from service label)</p>	<p>7006 0810 0004 5529 0096</p>

DT

025/12/08

First-class

Re-quit

Left