

# 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**

Tuesday, April 08, 2008

Ms. April Buff  
3923 Edgefield AVE NW  
Canton, OH 44709

**COPY**

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

Dear Ms. Buff:

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 Sunday, April 6, 2008 at 2:16 PM, the Canton City Fire Department advised you to extinguish your agricultural waste fire at your residence of 3923 Edgefield AVE NW, Canton, OH 44709 in Plain Township of Stark County. I inspected your residence on Tuesday April 8, 2008 and obtained visual and photographic evidence of the open burning of agricultural waste in a recreational burning area at the rear of your residence.

Since your 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.*

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 one thousand dollars 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.*

Stark County offers 15 yard waste collection programs where residents can leave unbagged yard waste at no charge. Materials will be loaded into the bins by township/village personnel. The materials will be hauled to an area composter where it will be recycled into mulch or compost. Contact Linda Morckel at 1-800-678-9839. I have attached a list of the yard waste collection sites.

You are strongly advised 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 04/08/08 at 10:30 AM
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06
- 4) Stark County yard waste collection locations

Pc:

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



Photo shows evidence of residential agricultural disposal.

3923Edgefield AVE NW – Plain TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/08/08 at 10:30 AM.



Photo shows evidence of residential agricultural disposal.

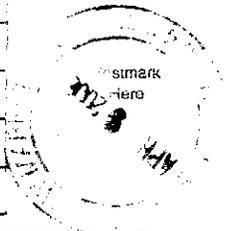
3923Edgefield AVE NW – Plain TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/08/08 at 10:30 AM.

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7008 0150 0001 8205 6654

Postage	
Certification Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.77



sent to  
 MS. APRIL BUFF  
 3923 EDGEFIELD AVE NW  
 Box No.  
 Canton, OH 44709

PS Form 3811, February 2004 See Reverse for Instructions

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 checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery              4-22-08</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>MS. APRIL BUFF              3923 EDGEFIELD AVE NW              CANTON OH 44709</p>	<p>3. Service Type</p> <p><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 8205 6654

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154