

# Air Pollution Control Division

## Canton City Health Department

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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

**COPY**  
Tuesday, April 15, 2008

Ms. Joy S. Bach  
841 Lorena ST SW  
North Canton, OH 44720

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

Dear Ms. Bach:

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, I had been informed by the Canton Township Fire Department, that they responded to an open burning on 04/10/08 at Lilly AVE NE, Canton, OH 44707, there was evidence found of open burning for the purpose of waste disposal. I had inspected this location on Friday, April 11, 2008 at 3:00 PM. During this inspection, I obtained visual and photographic evidence of the open burning for waste disposal in a recreational burning at the vacant land property. According to Stark County Auditor records, this vacant land is registered in your name. It is identified as *Parcel # 1307125* and classified as *Residential Vacant Land* which was transferred to you on 08/13/03.

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 04/11/08 at 3:00 PM

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file (April 2008)
- 4) Canton Township Fire Department -- Captain Karla Nevel

DT / dt

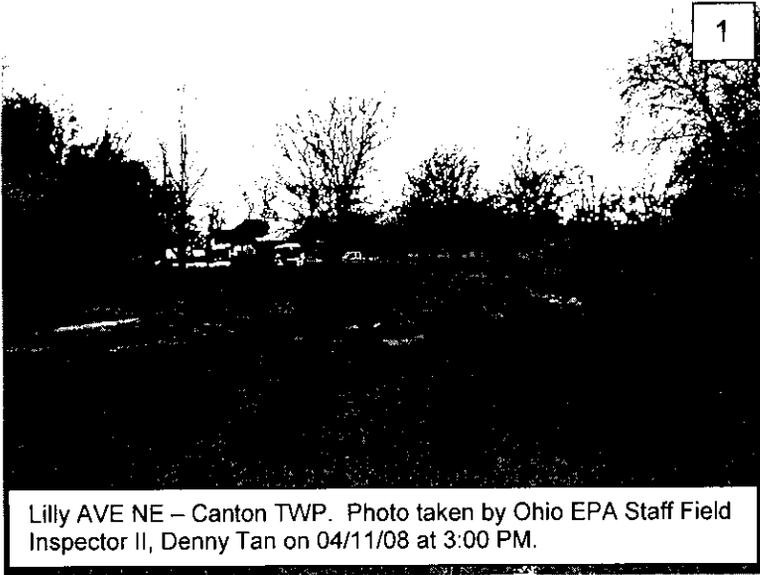


Photo shows evidence of the open burning of residential waste for disposal on residential vacant land.



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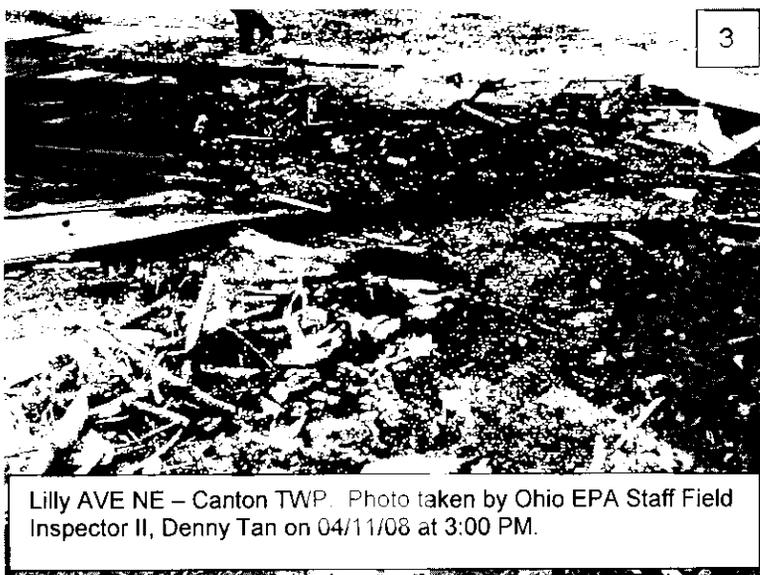
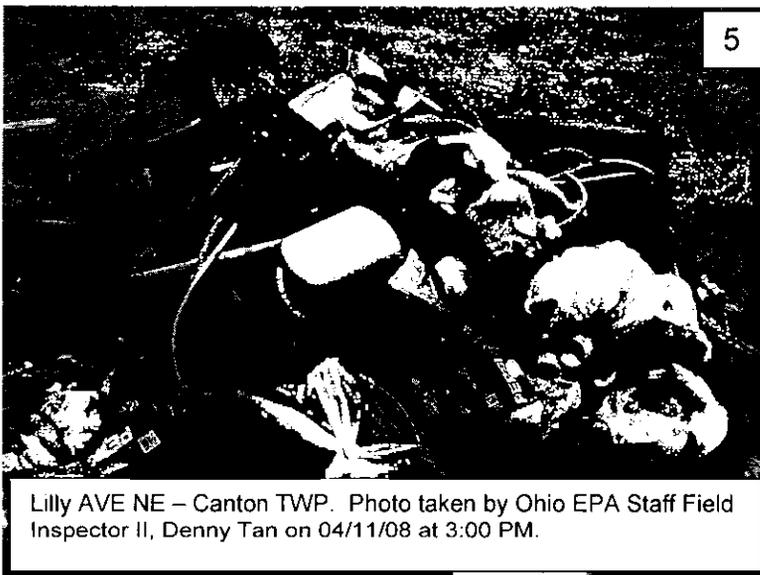


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Lilly AVE NE – Canton TWP. Photo taken by Ohio EPA Staff Field Inspector I, Denny Tan on 04/11/08 at 3:00 PM.

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