

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

Tuesday, April 08, 2008

Mr. Donald Barthel
4393 Meese RD NE
Louisville, OH 44641
(330) 875-0746

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-04;
UNAUTHORIZED ILLEGAL OPEN BURNING IN AN UNRESTRICTED AREA.**

Dear Mr. ~~Hostetler~~: *Barthel*

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 4th, 2008 at 1:57 PM, I inspected your residence of 4393 Meese RD NE Louisville, OH 44641, located in Nimishillen Township of Stark County. During this inspection, I obtained visual and photographic evidence of the open burning for waste disposal in multiple large areas behind your residence. Items of evidence photographed found were; partially burnt aluminum cans, and unidentifiable plastic items.

Since your residence is located in what the Ohio EPA defines as an unrestricted area, according to The Ohio Administrative Code 3745-19-04; 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.*

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 04/08/08 at 1:57 PM
- 2) OAC 3745-19-04
- 3) OAC 3745-19-06

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file (March 2008)
- 4) Nimishillen Township Fire Department Station 1 – Chief Richard Peterson

DT / dt



4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

Photo shows open burning evidence of residential waste for disposal at rear of property.



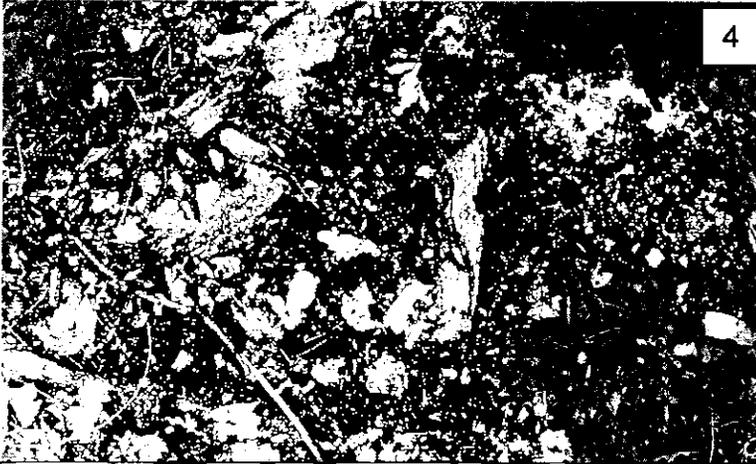
4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

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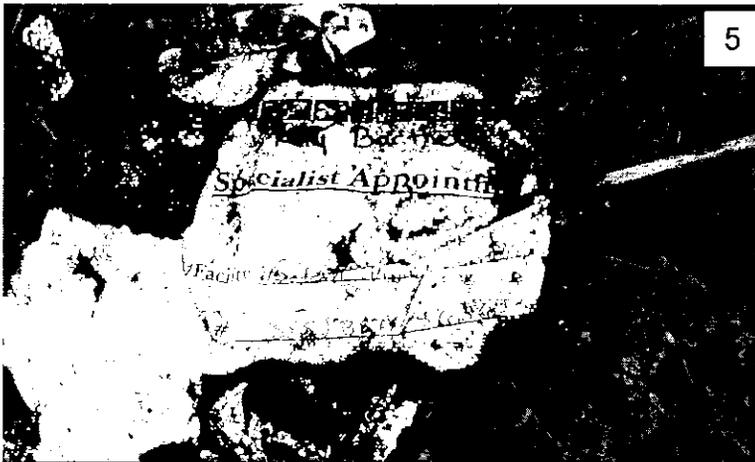
4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

Photo shows open burning evidence of residential waste for disposal at rear of property.



4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

Photo shows open burning evidence of residential waste for disposal at rear of property.



4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

Photo shows open burning evidence of residential waste for disposal at rear of property.



4393 Meese RD NE Louisville, OH 44641 – Nimishillen TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 04/04/16/08 at 1:57 PM.

Photo shows disposal of open burn waste at rear of property next to stream.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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7008 0150 0001 8205 6647

For delivery information, visit our website at www.usps.com

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



MR. DONALD BARTHEL
 4393 MEESE RD NE
 LOUISVILLE OH 44641

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

MR. DONALD BARTHEL
 4393 MEESE RD NE
 LOUISVILLE OH 44641

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

X *Don Barthel*

B. Received by (Printed Name) C. Date of Delivery

Don Barthel *4-1-08*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

APR 1 2008

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7008 0150 0001 8205 6647
 (Transfer from service label)