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

Thursday, May 28, 2009

Mr. Dustin Scalia
2354 3rd ST SE
Canton, OH 44707

Certified Mail
Stark County

Re: Notice of Violation: Ohio Administrative Code 3745-19-03; unauthorized illegal open burning in a restricted area.

Attn: Mr. Scalia,

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 of investigating and enforcing 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 05/27/09, at 2:55PM., I inspected the property you reside in at 2354 3rd ST SE. Canton, OH 44707, for illegal open burning for waste disposal. I had obtained photo documentation of the illegal fuel evidence which includes a television base and furniture.

Since this property is located in what the Ohio Administrative Code 3745-19-01 (J) defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03 (B); open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA; 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 natural 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.*

According to the Ohio EPA; open burning can release many kinds of toxic fumes. Leaves and plant materials send aloft millions of spores when they catch fire, causing many people with allergies to have difficulty breathing. The pollutants released by open burning also make it more difficult to meet health-based air quality standards, especially in or near large cities. The gases released by open burning can also corrode metal siding and damage paint on buildings. Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxin in the nation. Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury. These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

The state law referenced in this letter issued by this Agency is OAC 3745-19-04 which is authorized by The Ohio Revised Code (ORC) 3704.03 (*Powers of director of environmental protection*). ORC 3704.05; (*Prohibited acts*) is the rule that would be utilized by the law department to seek a penalty by ORC 3704.99 (*Penalties*) of a fine not more than ***$25,000.00 or imprisonment of not more than one year, or both***, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

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.

Regards,

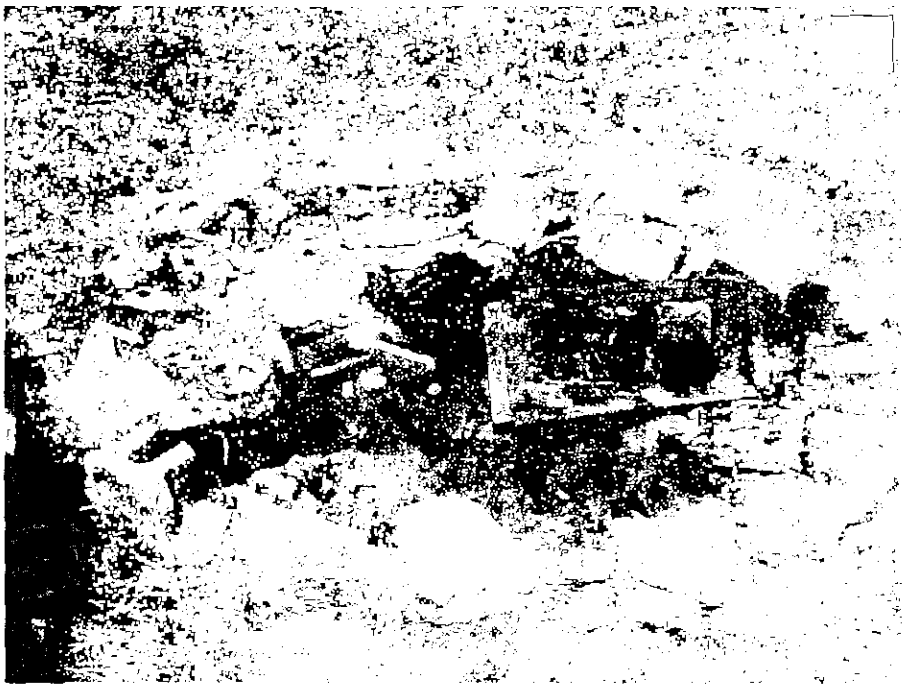
Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

Enc:
1) OAC 3745-19-03;
2) US EPA "The Hidden Hazards of Backyard Burning"

Pc:
1) Open burn file; and
2) NOV Correspondence file, May 2009.

DT / dt



2354 3rd ST SE, Canton, OH 44707; the photographs were taken by Ohio EPA Staff Field Inspector II, Denny Tan on 05/28/09 at 2:55PM.

7009 0080 0002 0413 1174

CERTIFIED MAIL RECEIPT

Postage	$ .44
	2.80
	2.30
Total Postage & Fees	$ 5.54

MR. DUSTIN SCALIA
2354 3RD ST SE
CANTON, OH 44707