

Air Pollution Control Division

Ohio EPA

APC Contractual Representative
Serving All of Stark County

Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

Robert E. Pattison, MPA
Health Commissioner

Daniel J. Aleman
APCD Administrator

CERTIFIED MAIL

May 31, 2007

Mr. Kevin Townsend
3109 Overbrook Court NW
Canton, OH 44709-2823

Re: NOTICE OF VIOLATION OF CITY ORDINANCE AND OHIO EPA REGULATIONS.

Dear Mr. Townsend:

This office is in receipt of a report indicating that the Canton Fire Department was called to your outdoor fire of leaves on the evening of May 27, 2007.

The city has ordinances against open burning for waste disposal. Details on what open burning is permitted can be found in the enclosed copy of Canton's open burning ordinances. Likewise, the state has prohibitions against open burning for waste disposal in restricted areas. I enclose a copy of Ohio Administrative Code 3745-19-03 on open burning in restricted areas.

By copy of this letter to the listed owners of the property, they are advised that property owners are responsible for open burning violations of their tenants and they are supplied with the City's recreational fire ordinances as well.

Also enclosed is a copy of the Ohio EPA's pamphlet "Before You Light It..." which explains explains more about the open burning regulations and gives some of the reasons why open burning is detrimental to the health of all citizens.

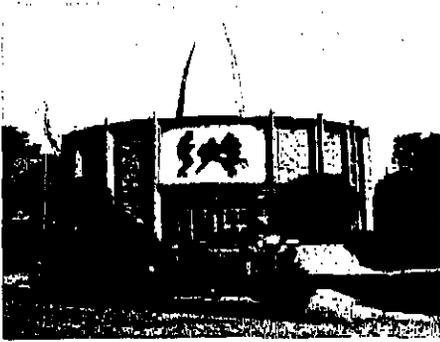
Sincerely,



Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer

Enclosures: 1. Canton Ordinances 15 13. 01, .02, .03
2. Ohio Administrative Code 3745-19-03
3. Before You Light It

cc: Addressee via First Class Mail
Kevin and Rachel Townsend, 3109 Overbrook Ct NW, Canton, OH 44709-2823 (Certified Mail)
Kevin and Rachel Townsend, 3109 Overbrook Ct NW, Canton, OH 44709-2823 (1st class mail)
Chief Steven J. Rich, Canton Fire Department, 110 Seventh St. SW, Canton OH 44702



1937 Ahrens-Fox

JANET WEIR CREIGHTON
Mayor

BERNARD L. HUNT
Safety Director

CITY OF CANTON
DIVISION OF FIRE

STEPHEN J. RICH, Chief

110 SEVENTH STREET S.W. CANTON, OHIO 44702
PHONE (330) 489-3411 • FAX (330) 489-3147
www.ci.canton.oh.us/safetyservice/fire/

FIRE REPORT

May 29, 2007

To Whom It May Concern:

On Sunday, May 27, 2007 at 1813 hrs., Engine 4 sent to 3109 Overbrook Ct. NW for illegal burning. Found resident Kevin Townsend burning leaves, he put it out. All ok 1821 hrs.

The above information was obtained from the Official Log Book on page 333 from the Chief's Office.

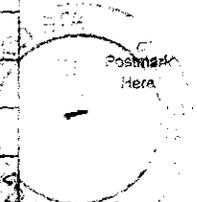
Respectfully,

Stephen J. Rich
Chief
DIVISION OF FIRE

SJR:cap

7005 1160 0000 8893 5821

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; Noninsurance Coverage Provided)
 For delivery information, visit our website at www.usps.com

Postage	\$ 4.53	
Certified Fee	2.85	
Return Receipt Fee (Endorsement Required)	2.15	
Total Charges	\$ 5.41539	

TO: KEVIN TOWNSEND
 3109 OVERBROOK CT NW
 CANTON OH 44709

See Reverse for Instructions

Codified Ordinances

Use your browser File Print to print the ordinance to the printer

1513.01 DEFINITION AND EXEMPTION.

(a) Definition. "Recreational fire" is defined for the purpose of this chapter as an outdoor open fire utilized to cook food for human consumption.

(b) Exemption. A small fire contained in a non-commercial clean burning enclosed cooking apparatus, commonly known as a grill, which is fueled by charcoal, propane or natural gas or similar material is exempt from the application requirement prescribed in Section 1513.02.
(Ord. 207-2001. Passed 9-24-01.)

1513.02 APPLICATION, LOCATION, MATERIAL, SIZE AND DURATION.

(a) Application. Application for approval of recreational fires shall be verbally submitted to the Fire Prevention Bureau at least forty-eight (48) hours before the fire is set. If a recreational fire is planned for a weekend or holiday, notification shall be given by 4:00 p.m. Friday or by 4:00 p.m. on the last business day before the holiday. The following information shall be provided at the time the approval is requested:

- (1) The purpose of the fire;
- (2) The nature and quantities of the material to be burned;
- (3) The date, time and duration of the fire;
- (4) The location; and
- (5) The fire-extinguishing equipment to be provided.

(b) Location. The location of the fire shall not be less than fifty (50) feet from any structure.

(c) Material. The material shall be of the minimum size for the intended purpose, consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.

(d) Size and Duration. A recreational fire shall not be more than 2 ft. x 2 ft. x 2 ft. in dimension and shall not be permitted to burn longer than three (3) hours, unless approved by the Fire Prevention Bureau. All recreational fires shall be extinguished by 11:00 p.m.

(e) Attendance. A recreational fire shall be constantly attended until the fire is completely extinguished. Approved extinguishing equipment shall be available for immediate utilization at all times.
(Ord. 207-2001. Passed 9-24-01.)

Ordinances

1513.03 PROHIBITED OPEN BURNING.

(a) No person or property owner shall cause or allow open burning except as provided in Section 1513.02.

(b) If a recreational fire creates or adds to a hazardous or objectionable situation, the Fire Department shall order the property owner or person having control to extinguish the fire. If the property owner or person having control refuses, the Fire Department will extinguish the fire.

(c) If the fire is not a recreational fire which has been approved by the Fire Prevention Bureau, or any other form of open burning for which a permit has been issued by the Air Pollution Control Division of the Canton Health Department, it shall be extinguished and reported to the Air Pollution Control Division of the Canton Health Department.
(Ord. 207-2001. Passed 9-24-01.)

Recreational Fire

Application for approval of recreational fires shall be verbally submitted to the Fire Prevention Bureau at least forty-eight (48) hours before the fire is set. If a recreational fire is planned for a weekend or holiday, notification shall be given by 4:00 p.m. Friday or by 4:00 p.m. the last business day before the holiday

Name of Person Having Fire: _____ Phone: _____

Address & Location of Fire: _____

Purpose of Fire: _____

Today's Date: _____ Date of Recreational Fire: _____

Time of Fire: _____ a.m./p.m. through _____ a.m./p.m.

***** Note: Recreational Fires are not permitted to burn longer than three (3) hours, unless approved in advance by the Fire Prevention Bureau, and shall be extinguished by 11:00 PM**

Type of Material to be Burned: _____

***** Note: Only seasoned, dry fire wood may be used. Construction materials cannot be burned!!**

Size: A recreational fire shall not be more than 2 ft. x 2ft. x 2 ft. in dimension

Check type of extinguishing material/equipment that will be on hand at all times:

_____ Fire Extinguisher _____ Garden Hose _____ Sand

Attendance: A recreations fire shall be constantly attended until the fire is completely extinguished!

Location: Fire may not be within fifty (50) feet of any structure

Application Taken By

3745-19-03 Open burning in restricted areas.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-19-01 of the Administrative Code titled "Incorporation by reference."]

(A) No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code.

(B) Open burning shall be allowed for the following purposes **without notification to or permission** from the Ohio EPA:

(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(2) 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:

(a) 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;

(b) They are not used for waste disposal purposes; and

(c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of rule 3745-50-45 of the Administrative Code.

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by paragraphs (B)(1), (B)(2), and (B)(4) of this rule

- **shall not be used for waste disposal purposes and**
- **shall be of minimum size sufficient for their intended purpose;**
- **the fuel shall be chosen to minimize the generation and emission of air contaminants.**

(C) Open burning shall be allowed for the following purposes with **prior notification** to the Ohio EPA in accordance with paragraph (B) of rule 3745-19-05 of the Administrative Code:

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio department of agriculture, or U.S. department of agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of paragraph (B)(2) of this rule, provided the following conditions are met:

(a) They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;

- (b) They are not used for waste disposal purposes; and
- (c) 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.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

- (a) The fire is set only when atmospheric conditions will readily dissipate contaminants;
- (b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
- (c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
- (d) The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
- (e) No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(D) Open burning shall be allowed for the following purposes upon **receipt of written permission** from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, provided that any conditions specified in the permission are followed:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in paragraph (B)(3) of this rule;
- (2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State fire marshal division of the Ohio department of commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in paragraph (A)(1) of rule 3745-19-05 is submitted by the commercial or public entity responsible for the instruction;
- (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the director and performed as identified in the appendix of this rule. If deemed necessary, the open burning may be authorized with prior oral approval by the director followed by the issuance of a written permission to open burn within seven working days of the oral approval;
- (4) Recognized horticultural, silvicultural, range, or wildlife management practices; and
- (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

For a complete copy of Ohio's open burning regulations, contact:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2270

or visit our Web site at
www.epa.state.oh.us/dapc/general/openburning.html



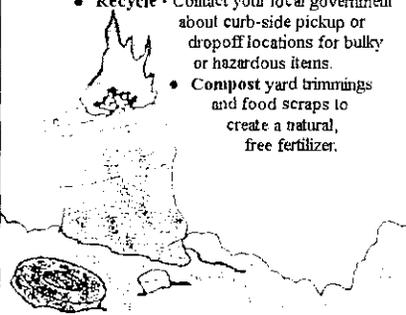
Before You Light It...

Know Ohio's Open Burning Regulations

July 2006

**What you can do
instead of open burning**

- Reduce the amount of waste you generate.
- Reuse items in another way.
- Recycle - Contact your local government about curb-side pickup or dropoff locations for bulky or hazardous items.
- Compost yard trimmings and food scraps to create a natural, free fertilizer.



 Ohio EPA is an Equal Opportunity Employer
Printed on Recycled Paper

When you burn refuse in burn barrels or open piles, the potential cost to your health, your home, your neighbors and your environment far exceeds the price of adequate collection services.

Protect yourself, your neighbors and your wallet by knowing the rules—what you can burn and where.

What is open burning?

You are open burning any time you light an outdoor fire without a chimney or stack.

Why is open burning a problem?

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.

What open burning is never allowed?

Under Ohio law, these materials **may not** be burned anywhere in the state at any time:

- garbage—any wastes created in the process of handling, preparing, cooking or consuming food;
- materials containing rubber, grease and asphalt or made from petroleum, such as tires, cars and auto parts, plastics or plastic-coated wire; and
- dead animals.



Other restrictions:

- Open burning is not allowed when air pollution warnings, alerts or emergencies are in effect.
- Fires cannot obscure visibility for roadways, railroad tracks or air fields.
- No wastes generated off the premises may be burned. For example, a tree trimming contractor may not haul branches and limbs to another site to burn.

Does Ohio EPA ever allow exceptions to the rules?

Under certain circumstances, yes. However, to burn a prohibited material or set a fire in a restricted area, you must receive written permission from Ohio EPA *before* you begin burning. This may take two weeks.

Can a community regulate open burning?

Yes. However, local ordinances cannot be less strict than the state law.

What happens if I'm caught illegally open burning?

Ohio EPA has the authority to enforce the state's open burning laws. Violations can result in substantial penalties. If you have any questions, or would like to report a suspected open burning incident, contact your Ohio EPA district office or your local air pollution control agency. Ohio EPA is represented by five district offices and nine local air agencies. See the map in this brochure for the agency to contact in your area.

Health Concerns

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.

What can I burn?

The following open fires are **allowed** in Ohio:

Type of Fire	Inside a village or city* (if generated on property)	Outside a village or city* (if generated on property)
Barbeques, campfires, cookouts	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.
Agricultural waste	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but not buildings. <i>Fire must be more than 1,000 feet from neighbor's inhabited building. Must notify Ohio EPA in advance.</i>	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but not buildings. <i>Fire must be more than 1,000 feet from neighbor's inhabited building.</i>
Land-clearing waste	Not permitted in city limits	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. <i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Residential waste	Not permitted in city limits	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. Also wastes such as wood or paper products that are generated by one-, two-, or three-family residences. <i>Fire must be more than 1,000 feet from neighbor's inhabited building.</i>
Ceremonial fires	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. Use clean, seasoned firewood or equivalent. <i>Must notify Ohio EPA in advance.</i>	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. No notification required.
Occupational fires: welding torches, heating tar, heating for warmth of outdoor workers and strikers	Use clean, seasoned firewood contained in a 55-gallon drum.	Use clean, seasoned firewood contained in a 55-gallon drum.
Firefighter training, Explosive material disposal	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Horticultural, silvicultural, range or wildlife management practices	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Disease or pest control	Local health department, the Ohio Department of Agriculture or the U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method <i>and must notify Ohio EPA in advance.</i>	Local health department, the Ohio Department of Agriculture or the U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method.

*villages and cities are considered "restricted areas," which include:

- within the boundaries of any municipal corporation;
- within corporation limits and a 1,000-foot zone outside any municipal corporation having a population of 1,000 to 10,000; and
- within corporation limits and a one-mile zone outside any municipal corporation with a population of more than 10,000. Call your local municipality for corporation boundaries.



District Offices

- CDO - Central District Office - (800) 686-2330
- NEDO - Northeast District Office - (800) 686-6330
- NWDO - Northwest District Office - (800) 686-6930
- SEDO - Southeast District Office - (800) 686-7330
- SWDO - Southwest District Office - (800) 686-8930

Local Air Pollution Control Agencies

1. Akron Regional Air Quality Management District (800) 589-2480
www.ci.akron.oh.us/Health04/divisions.htm
2. Canton Division of Air Pollution Control (330) 489-3231
www.cantonhealth.org/air_pollution_control.htm
3. Hamilton County Environmental Services (800) 889-0474
www.hcdoes.org
4. Cleveland Division of Air Quality (216) 664-2297
www.clevelandhealth.org
5. Regional Air Pollution Control Agency (Dayton Area) (800) 458-2115
www.rapca.org
6. Lake County Air Pollution Control (440) 350-2543
www.lcghd.org
7. Portsmouth Air Pollution Control (740) 353-5156
www.ci.portsmouth.oh.us/departments/health/
8. Toledo Division of Environmental Services (419) 936-3015
www.ci.toledo.oh.us/index.cfm?Article=940
9. Mahoning-Trumbull Air Pollution Control Agency (330) 743-3333
www.ychd.com/airpollution.html