

Air Pollution Control Division

OhioEPA

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 22, 2007

Mr. Justin Nicely
1116 Maryland Ave SW
Canton, OH 44710-2044

Re: NOTICE OF VIOLATION OF OPEN BURNING REGULATIONS

Dear Mr. Nicely:

The Canton City Health Department, Air Pollution Control Division has Ohio EPA authority for air emissions issues in Stark County. This includes Ohio EPA's open burning regulations.

This office is in receipt of a report indicating that the Canton Fire Department found you burning a couch on the evening of May 18, 2007.

Open burning for waste disposal at your location is a violation of Ohio EPA regulations. For your reference, I enclose a copy of Ohio Administrative Code 3745-19-03, the Ohio EPA regulations covering open burning in restricted areas. Note that open burning for waste disposal is not one of the allowable types of fires. You were also in violation of city ordinances on open burning. I enclose also a copy of Canton's open burning ordinances.

By copy of this letter, property owners are advised that they can be held responsible for violations committed by their tenants.

Sincerely,



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

Enclosures: 1. Ohio Administrative Code 3745-19-03
2. Canton City Ordinances 15 13. 01, .02, .03

cc: Addressee (First Class Mail)

Robert L. and Jamie S. Reese, 1116 Maryland Ave SW, Canton, OH 44710-2044 (Certified)
Robert L. and Jamie S. Reese, 1116 Maryland Ave SW, Canton, OH 44710-2044 (1st Class)
Chief Stephen 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 21, 2007

To Whom It May Concern:

On Friday, May 18, 2007 2330 hrs., Engine 5 sent to 1116 Maryland Ave SW for illegal burning. Found resident, Justin Nicely, burning a couch. Engine 5 put it out. All ok 2347 hrs.

The above information was obtained from the Official Log Book on page 314 from the Chief's Office.

Respectfully,

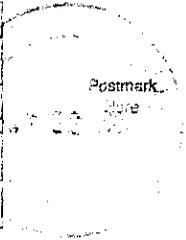
Stephen J. Rich
Chief
DIVISION OF FIRE

SJR:cap

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Send to:
 JUSTIN NICELY
 1116 MARYLAND AVE SW
 CANTON OH 44710

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.

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
