

# 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 10, 2007

Mr. Pete Bitzel  
Bitzel Excavating  
4141 Southway St. SW  
Canton, OH

**Re: INFORMATION RELATING TO OPEN BURNING WITHIN MASSILLON CITY LIMITS**

Dear Mr. Bitzel:

This office is in receipt of a report stating that the Massillon Fire Department was called to the former Republic Steel Facility on Oberlin Road in Massillon on May 2, 2007 in response to your employees burning insulation off of electrical wire. The fire department was there at 11:12 a.m. and again at 2:06 p.m. and Chief Burgasser was there at 2:32 p.m. The purpose of this letter is to make you aware of open burning regulations as they exist in the City of Massillon and the Ohio EPA. Burning insulation off of wires in the open is in violation of both Massillon ordinances and Ohio EPA regulations. Burning insulation off of wires inside of a building is a violation of Ohio EPA regulations unless they are burned in proper incinerators or fuel burning devices.

Massillon's open burning ordinances are under 1511. They are consistent with the Ohio EPA's Ohio Administrative Code 3745-19. Both sets of regulations prohibit open burning for waste disposal. This includes burning insulation off of wire. This office is not in possession of any "umbrella burning rights" that may have been given to you by any former owner. If you would forward a copy of any documentation of this arrangement, this Agency will give it due consideration.

Burning this insulation inside of a building is still considered open burning by the EPA. Ohio Administrative Code 3745-19-01 defines open burning as "the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code."

OAC 3745-17-09 refers to incinerators and 3745-17-10 refers to fuel burning equipment. This means that any appliance used to burn insulation off of wires must conform to the EPA's standards on incinerators or fuel burning devices.

Bitzel Excavating  
May 10, 2007  
Page 2 of 2

Enclosed is a copy of Massillon City Ordinance 1511.09 prohibiting open burning. Also enclosed is Ohio Administrative Code 3745-19-01 which contains the regulatory definitions relating to open burning and OAC 3745-19-03, the regulations on open burning in restricted areas.

In addition to environmental regulations, please be aware that combustion of plastics can lead to the release of toxic compounds. The following is from "Emissions of Organic Air Toxics from Open Burning" USEPA Report EPA-600/R-02-076 October 2002:

"Copper wire is frequently coated with a plastic insulation material. It is a common practice in many parts of the world to use open burning to remove the insulation so that the underlying copper wire can be reclaimed for value. Current understanding of the formation mechanisms of PCDDs/Fs proposes copper-based catalysts as an important contributor to PCDD/F emissions. The presence of significant quantities of copper and, possibly, chlorine coupled with the oxygen-limited combustion conditions found in open burning suggest that copper wire reclamation activities might be a significant source of PCDDs/Fs. Ambient sampling for PAHs was performed in the vicinity of areas where scrap metal was recovered by open burning and found elevated levels of PAHs near the operation (Tsai et al., 1995a; Tsai et al., 1995b). Another study was performed to examine the mutagenicity of airborne particulates near an operation where copper wire was reclaimed by open burning (Lee et al., 1994). Another article presented PCDD/F results from surface and ash sampling at a metal recovery facility where open burning was used (Harnly et al., 1995) that showed parts per million levels of PCDDs/Fs in ash samples. However, none of these studies presented data that could be converted into emission factors for comparison to other sources. Although this practice is uncommon in the U.S., it is still widely practiced in developing countries. This source could be a potentially important data gap in the preparation of dioxin inventory documents."

PCDDs/Fs are polychlorinated dibenzo-*p*-dioxins and polychlorinated dibenzofurans, chemicals known to be toxic.

So, for several reasons this Agency requests that you avoid burning insulation off of wires.

Sincerely,



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

- Enclosures:
1. Massillon Ordinances 1511
  2. Ohio Administrative Code 3745-19-01
  3. Ohio Administrative Code 3745-19-03

cc: Addressee (First Class Mail)

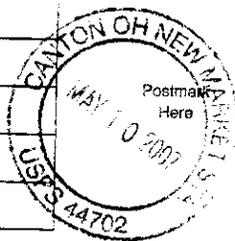
Chief Tom Burgasser, Massillon Fire Department, 233 Erie St. South, Massillon, Ohio 44646

7006 0100 0006 6608 2039

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ .39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.64</b>



Sent To: MR PETE BITZEL  
 Street, Apt. No. or PO Box No.: BITZEL EXCAVATING  
 4141 SOUTHWAY ST SW  
 City, State, ZIP+4: CANTON OH 44706

PS Form 3800, June 2002 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 PETE BITZEL  
 BITZEL EXCAVATING  
 4141 SOUTHWAY ST SW  
 CANTON OH 44706

2. Article Number  
 (Transfer from service label) 7006 0100 0006 6608 2039

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Mary Lou Royer*  
 B. Received by (Printed Name)  C. Date of Delivery  
*Mary Lou Royer 5/11/07*  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

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

4. Restricted Delivery? (Extra Fee)  Yes

# Walter H. Drane Co. Codified Ordinances

Quick search:

 Search

Advanced search:

 Select Search Form

Links:

 --- Jump to ---

? Screen Help

[Prev Doc](#) [Next Doc](#) [Prev Hit](#) [Next Hit](#) [Reference](#) [Sync Toc](#)

## 1511.09 PROHIBITED OPEN BURNING.

(a) No person or property owner shall cause or allow open burning except as provided in Section 1511.07.

(b) If a recreational fire creates or adds to a hazardous or objectionable situation, the Massillon 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 Massillon Fire Department will extinguish the fire.

(c) If the fire is not a recreational fire which has been approved by the Massillon Fire Department, or any other form of open burning for which a permit has been issued by the Ohio EPA, it shall be extinguished and reported to the Ohio EPA.

(Ord. 73-2005. Passed 8-1-05.)

Select Another Municipality

Click on a folder below to open:

Massillon, Ohio

Massillon, Ohio

1511.07 covers recreational fires

(1-13 of 13 matches)

[Prev Hit Doc](#) | [Next Hit Doc](#) | [Clear Search](#)

- 1 100 CHAPTER 1511 Open Burning
- 2 99 1511.04 PERMISSION AND NOTICE TO OPEN BURN.
- 3 99 1511.03 OPEN BURNING IN RESTRICTED AREAS.
- 4 98 1511.02 RELATIONS TO OTHER PROHIBITIONS.
- 5 97 1511.09 PROHIBITED OPEN BURNING.
- 6 96 1511.01 DEFINITIONS.
- 7 94 PART FIFTEEN - FIRE PREVENTION CODE
- 8 86 1511.06 DEFINITION AND EXEMPTION.
- 9 73 1309.01 DEFINITIONS.
- 10 69 1171.02 PRINCIPAL USES PERMITTED.
- 11 64 1353.01 DEFINITIONS.
- 12 63 1519.01 DEFINITIONS.
- 13 53 513.12 DRUG PARAPHERNALIA.

(1-13 of 13 matches)

[Prev Hit Doc](#) | [Next Hit Doc](#) | [Clear Search](#)

### 3745-19-01 Definitions.

(A) "Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(B) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

(C) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

- (1) A tornado.
- (2) High winds.
- (3) An earthquake.
- (4) An explosion.
- (5) A flood.
- (6) A hail storm, a rain storm, or an ice storm.

(D) "Garbage" means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(E) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

(F) "Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

(G) "Ohio EPA" means the Ohio environmental protection agency director or agencies delegated authority by the director of the Ohio environmental protection agency pursuant to section 3704.03 of the Revised Code or the chief of any Ohio environmental protection agency district office.

(H) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.

(I) "Residential waste" means any waste material, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

(J) "Restricted area" means the following:

- (1) Except as provided in paragraph (I)(2) of this rule, the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Revised Code, plus a zone extending one thousand feet beyond the boundaries of any such municipal corporation having a population of one thousand to ten thousand persons and a zone extending one mile beyond any such municipal corporation having a population of ten thousand persons or more according to the latest federal census.

(2) "Restricted area" shall not include any municipal corporation the territory of which is located on an island in Lake Erie except that, during the yearly period between Memorial Day and Labor Day, any such municipal corporation shall be required to comply with the requirements of rule 3745-19-03 of the Administrative Code.

(K) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in paragraph (I) of this rule.

(L) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

(a) National Fire Protection Association. Information on the National Protection Association codes may be obtained by contacting association at Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered [www.nfpa.org/catalog/home/index.asp](http://www.nfpa.org/catalog/home/index.asp). Copies of the code at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) NFPA publication 1403; "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures;" November 2001 Edition.

(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.

### 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;