

Air Pollution Control Division

Canton City Health Department

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Daniel J. Aleman, P.E., MBA
APCD Administrator

James M. Adams, R.S. MPA
Health Commissioner

OhioEPA
APC Contractual Representative
Serving All of Stark County

CERTIFIED MAIL

February 5, 2010

Randall D. and Linda Kissel
4075 Martindale Rd NE
Canton OH 44705-2765

Re: INVESTIGATION OF ILLEGAL OPEN BURNING

Dear Randall and Linda Kissel:

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.

On Tuesday, February 2, 2010, I was at your property at 4075 Martindale Rd NE in Plain Township, Stark County, Ohio and observed and photographed open burning that was in violation of Ohio EPA regulations. Insulation was being burned off of wire and appreciable quantities of black smoke were being created.

Specifically, the fire was in violation of Ohio Administrative Code 3745-19-03(A).

Please ensure that no future violations occur on your property.

Sincerely,



Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer
Enclosure: OAC Rule 3745-19-03

cc: Addressee via First Class Mail

Addressee at 4044 Thimbleglen Dr., Cincinnati, OH 45271 via Certified Mail ✓

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Correspondence File

Complaints, Open Burn, Non-Residential, Plain Township

Chief John Sabo, Plain Township Fire and Rescue, 2600 Easton St. NE Canton, Ohio 44721-2600.

GA Clark

7009 0080 0002 0413 2176

7009 0080 0002 0413 2183

RANDALL D. & LINDA KISSEL
4075 MARTINDALE RD NE
ANTON OH 44705-2765

1	44
2	2.80
3	2.40
4	5.54

RANDALL D. AND LINDA KISSEL
4044 THIMBLEGLEN DR.
CINCINNATI, OH 45271

1	44
2	2.80
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4	5.54

REGISTERED MAIL RECEIPT

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:

RANDALL D. AND LINDA KISSEL
4044 THIMBLEGLEN DR.
CINCINNATI, OH 45271

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Randy Kissel Addressee

B. Received by (Printed Name) C. Date of Delivery
Randy Kissel *2/8/10*

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

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
(Transfer from service label)

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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.