

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

CERTIFIED MAIL

Thursday, March 06, 2008

Mr. Hutch Hendrix
3022 Hursh PL NW
CANTON, OH 44708

**Re: NOTICE OF VIOLATION: OHIO ADMINISTRATIVE CODE 3745-19-03;
UNAUTHORIZED ILLEGAL OPEN BURNING IN A RESTRICTED AREA.**

Dear Mr. Hendrix:

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. 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 Thursday January 31, 2008 at 7:33 PM, you were found illegally open burning at your residence of 3022 Hursh PL NW, Canton, OH 44708 in McKinley Township of Stark County. The Canton City Fire Department found you burning trash and instructed you to put it out. I inspected your residence on Tuesday March 4, 2008 and obtained visual and photographic evidence of the waste disposal in recreational burning area.

Since your residence is located in what the Ohio EPA defines as a restricted area, according to The Ohio Administrative Code, 3745-19-03; 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 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.*

Be aware that, The Ohio Administrative Code 3745-19-06 Open burning unilateral order;

1. *The director may assess and collect administrative penalties from any person who violates any of the rules in this chapter. Through unilateral orders, the*

director may assess a violator not more than **\$250.00** per day for each separate violation of the rules in this chapter for open burning on residential property and not more than one thousand dollars per day for each separate violation of the rules in this chapter for open burning on industrial, commercial, institutional, or municipal property. Commercial property includes construction sites, including, but not limited to, the construction of residential homes, if the sites are not properly permitted under section 3704.11(C) of the Revised Code. A separate violation is assessed for each day (24-hour period) the violation occurs.

2. The director's authority under paragraph (A) of this rule is in addition to, and not in limitation of, the director's authority under section 3704.06 of the Revised Code to request the attorney general to initiate legal action to seek penalties of not more than twenty-five thousand dollars for each day of each violation for the violation of rules in this chapter.

This agency strongly advises you 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.

Sincerely,



Denny Tan

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

Enc:

- 1) Photographs taken on 03/04/08 at 11:30 AM
- 2) OAC 3745-19-03
- 3) OAC 3745-19-06
- 4) US EPA "The Hidden Hazards of Backyard Burning"
- 5) Ohio EPA "Before You Light It..."

Pc:

- 1) Addressee via first-class and certified mail
- 2) Open burn file
- 3) NOV Correspondence file
- 4) Canton City Fire Department, Chief Stephen J. Rich, Interoffice Memo



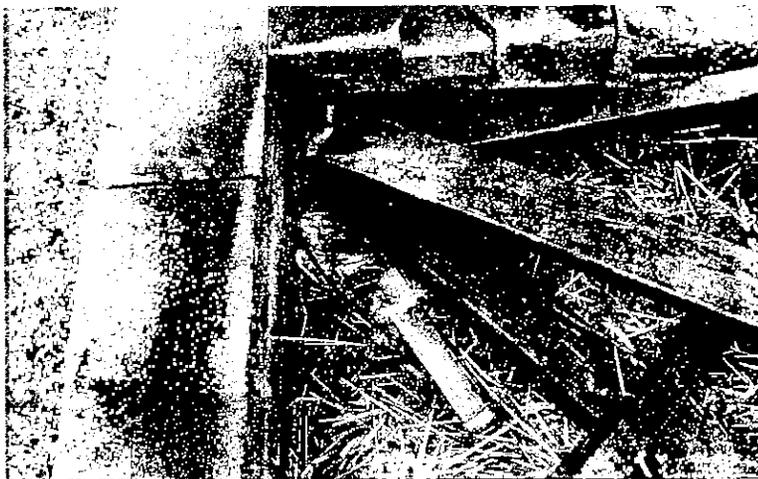
3022 Hursh PL NW – McKinley TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 03/04/16/08 at 11:30 AM.

Photo shows evidence of residential waste disposal including painted and/or stained wood and garbage.



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U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com.

Postage	\$.58	Postmark Here
Certified Fee	2.65	
Return Receipt Fee <small>(Endorsement Required)</small>	2.15	
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage & Fees	\$ 5.38	

Sent To
 MR. HUTCH HENDRIX
Street, Apt. No., or PO Box No.
 3022 HURSH PLACE NW
City, State, ZIP+4
 CANTON OH 44708

PS Form 3811, June 2002 See Reverse for Instructions

7006 0810 0004 5529 3370

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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 in the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> <i>Hutch Hendrix</i> <input type="checkbox"/> <i>Hutch Hendrix</i></p> <p>C. Date of Delivery <input type="checkbox"/> <i>MAR 12 2004</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">MR. HUTCH HENDRIX 3022 HURSH PLACE NW CANTON OH 44708</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number <small>(Transfer from service label)</small></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

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