

# 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

CERTIFIED MAIL

Wednesday, March 26, 2008

Slesnick Co.  
Attn: Mr. Tim Jones  
927 Warner RD SE  
Canton, OH 44707

COPY

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

Dear Mr. Jones:

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 March 20, 2008 at 3:33 PM, you were found illegally open burning at the Slesnick Co. of 927 Warner RD SE, Canton, OH 44707 in McKinley Township of Stark County. I inspected the recycling facility and obtained visual and photographic evidence of the open burning of wood pallets you claimed was utilized for warmth for outdoor workers. At 3:51 PM, the temperature reported at the Akron-Canton Airport was 37.0 °F. I advised you of the Ohio Administrative Code 3745-19-03 and provided you a copy of it.

Since this commercial property 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 \$1,000.00 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) City of Canton, Codified Ordinance 1513.02

Pc:

- 1) Addressee via certified mail
- 2) Open burn file
- 3) NOV Correspondence file, March 2008
- 4) Canton City Fire Department, Chief Stephen J. Rich, Interoffice Memo



Photo shows evidence of restricted area large open burning on commercial property of wood pallets.

927 Warner RD SE – McKinley TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 03/20/08 at 3:30 PM.



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927 Warner RD SE – McKinley TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 03/20/08 at 3:30 PM.



Photo shows a Slesnick employee complying with request to extinguish fire.

927 Warner RD SE – McKinley TWP. Photo taken by Ohio EPA Staff Field Inspector II, Denny Tan on 03/20/08 at 3:30 PM.

7007 0710 0003 2759 8794

Postage	.41	Postmark here
Fee	2.65	
	2.15	
	5.81	
SLESNICK CO ATTN: TIM JONES 927 WARNER RD SW CANTON OH 44707		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Tim Jones</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Leggett</i> C. Date of Delivery <i>9/28/07</i></p>
<p>1. Article Addressed to:</p> <p>SLESNICK CO ATTN: TIM JONES 927 WARNER RD SW CANTON OH 44707</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7007 0710 0003 2759 8794</p>