

*Conesp.*

# Air Pollution Control Division



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

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

**James M. Adams, MPA**  
Health Commissioner

**CERTIFIED MAIL**

September 8, 2009

Mr. Chris Hiffner  
1134 State Ave NE  
Massillon, OH 44646-5826

**Re: INVESTIGATION OF ILLEGAL OPEN BURNING**

Dear Mr. Hiffner:

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, Sept. 1, 2009, I was at your residence and we discussed the prohibition of open burning of residential waste. I observed a burn ring for open fires and a type of barbeque apparatus. The fire ring contained evidence of the use of the fire(s) for waste disposal. Open burning within the city is prohibited by Ohio EPA regulation, specifically Ohio Administrative Code 3745-19-03. I enclose a copy. Please also be aware that the City of Massillon has an open burning ordinance as well (Chapt. 1511).

Recreational fires are permitted as long as they are fueled with clean fuel, are not used for disposal purposes, and are less than three feet across and two feet or less in height.

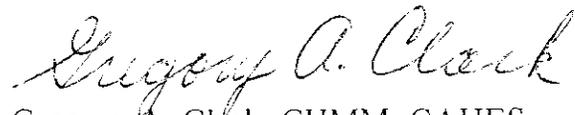
Although you may or may not have contributed waste material to this fire, I have communications from the Massillon Fire Department that they have already been to your site. Captain James Thieret, spoke to Mr. Joel Tice. Mr. Tice is aware of open burning prohibitions and has been informed that any future violations on his part will be "knowing and willful". Be advised that the Ohio EPA has the authority to impose fines for illegal open burning, up to \$250 per day per violation. You should know that Ohio EPA considers the property owner liable for violations of tenants.

Mr. Chris Hiffner  
1134 State Ave NE  
September 8, 2009  
Page 2 of 2

The barbeque apparatus does not fall under Ohio EPA regulation. However, please be aware that the City of Massillon does have an ordinance prohibiting odors that are injurious to the comfort of individuals or the public (521.09). Also, there are prohibitions on the generation of smoke (521.12).

In the future, please confine any open burning or barbeque activities to those not prohibited by the EPA or the City of Massillon.

Sincerely,



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

cc: Addressee via First Class Mail

Capt. James J. Thieret, Massillon Fire Dept., 233 S. Erie St., Massillon, OH 44646

Mr. Joel Tice, 1134 State Ave., NE, Massillon, OH 44646-5826

Mr. Ronald Mang, Massillon City Council Ward 1, One James Duncan Plaza SE Massillon, Ohio 44646

Correspondence File

Complaints, Open Burn, Residential, Massillon Township

GA Clark

7009 0080 0002 0413 1933

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| Other Fees                  | \$   |                  |

MR. CHRIS HIFFNER  
 1134 STATE AVE NE  
 MASSILLON, OH 44646-5826

**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. CHRIS HIFFNER  
 1134 STATE AVE NE  
 MASSILLON OH 44646-5826

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

Chris Hiffner 2-9

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) 7009 0080 0002 0413 1933

### **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.

06/27/2006

Date

Promulgated Under 119.03

Statutory Authority R.C. Section 3704.03(E)

Rule Amplies R.C. Section 3704.03(A), 3704.03(E)

Prior Effective Dates: 6/21/76, 10/30/87, 12/20/88, 11/27/00

Effective: 07/07/2006

R.C. 119.032 review dates: 01/20/2006 and 07/07/2011

CERTIFIED ELECTRONICALLY

Certification

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Massillon, OH 44646-5826

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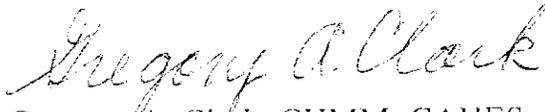
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Mr. Joel Tice  
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| Total     | \$   |                  |

MR. JOEL TICE  
 1134 STATE AVE NE  
 MASSILLON, OH 44646-5826

August 2006 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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MR. JOEL TICE  
 1134 STATE AVE NE  
 MASSILLON, OH 44646-5826

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A. Signature  Agent  
 Addressee

B. Received by (Printed Name)  Agent  
 Addressee

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

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)

7009 0080 0002 0413 1940

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

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