

# Air Pollution Control Division

## Canton City Health Department

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

James M. Adams, MPA  
Health Commissioner



APC Contractual Representative  
Serving All of Stark County

**CERTIFIED MAIL**

August 19, 2009

Mr. Shawn Dickey and Ms. Crystal Harris  
2322 15<sup>th</sup> St. NE  
Canton, OH 44705

**Re: INVESTIGATION OF OPEN BURNING**

Dear Mr. Dickey and Ms. Harris:

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 air pollution regulations.

On Tuesday Aug. 18, 2009 I was at your residence and we talked about the prohibitions relating to open burning. You showed me your burn ring in the back yard. At the time of my visit, there was no evidence of any violation of EPA regulations. As I discussed, Ohio EPA makes provision for open burning for recreational purposes with three conditions:

- (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.

The wood being used is tree branches. Mr. Dickey stated that the wood is cleaned of any leaves or other green material in accordance with guidance he received from the fire department. He told me that it is not green and wet and does not produce excessive smoke. He also stated that the fire is not being used for waste disposal purposes. I viewed the fire pit and found no evidence indicating waste disposal. I remind you both that it is important that the wood be allowed to dry and age prior to burning.

Mr. Shawn Dickey and Ms. Crystal Harris  
August 19, 2009  
Page 2 of 2

I left you with a copy of the Ohio EPA regulation covering your open burning and also with a copy of the Canton City Ordinance regarding recreational fires. I enclose copies for your convenience.

Sincerely,



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

Enclosure: OAC Rule 3745-19-03  
Canton City Ordinance 1513

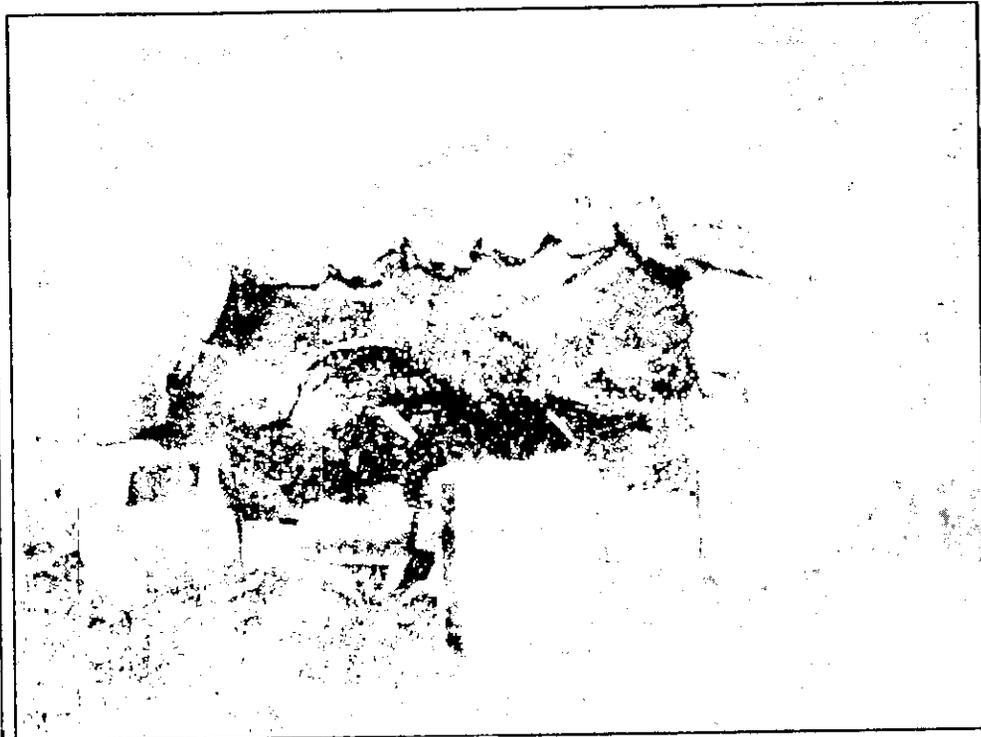
cc: Addressee via First Class Mail

Correspondence File

Complaints, Open Burn, Residential, McKinley Township

Chief Steven J. Rich, Canton City Fire Dept., 110 7th Street S.W. Canton, OH 44702

Ward 6 Councilman David R. Dougherty, 218 Cleveland Ave SW, Canton OH 44702.



Open burn pit at 2322 15<sup>th</sup> St. NE, G.A. Clark 08/18/009  
The notebook is for scale. It is approximately ten inches wide.

ID: 6888    DATE RECVD: 8/17/2009    [Add Record](#)    [Print Record](#)    [Find Record](#)    [Delete Record](#)

Received by: Clark, Gregory    How Received: Phone    [Duplicate Record](#)

Open burning to the extent that it aggravates the health condition of the complainant. Complainant also says that the Canton Fire Dept will not put out the fires.

COMPLAINT:

PICTURES/Files



<b>COMPLAINANT</b>		<b>ACCUSED/VIOLATOR</b>		
<b>FIRST NAME</b>	<b>LAST NAME</b>	<b>EPAPremiseNo:</b>		
Lynette	Smith	<b>BUSINESS NAME:</b>		
<b>ADDRESS</b>		<b>FIRST NAME:</b>	<b>LAST NAME</b>	<b>TOWNSHIP</b>
		Shawn	Dickey	McKinley
<b>CITY:</b> Canton	<b>ZIP:</b>	<b>ADDRESS:</b>	<b>CITY:</b> Canton	
PHONE: 330-316-4542		2322 15th St NE	ZIP:	
		PHONE		

**INSPECTOR:** Clark, Gregory

Case Open

**Date Closed:** 08/19/09

OWB

Canton City Fire Dept

Perry Twp FD

Canton Twp Fire Dept

North Lawrence FD

**COMMENTS:** Also received complaint from another neighbor, Mary Willings. Went to the accused address on 08/18/09. Spoke to Mr. Dickey and also a Crystal Harris. Mr. Dickey showed the investigator the fire pit. The investigator saw no evidence of past use for burning for waste disposal. Mr. Dickey said they burned only the wood part of tree branches and removed the leaves. He stated he got this guidance from the fire department. The investigator reminded Mr. Dickey and Ms. Harris that only dry, seasoned wood should be burned so as to avoid smoky fires. They stated that their fires were not smoky. Mr. Dickey also stated that they got the necessary burn permits from the fire department. It is the investigator's conclusion that neighbor disputes have a lot to do with the issue.

**Type of Complaint- CETA**

HPF

Non-HPF

Other

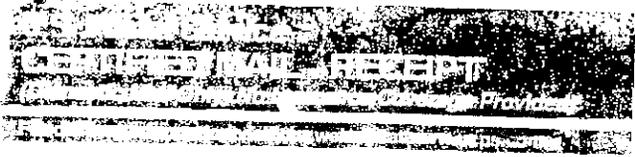
Anti-Tamper

Open Burning

**TYPE OF COMPLAINT**

Open Burning -Residential

7009 0080 0002 0413 1704



Postage	2.80
Insurance	2.30
Other Fees	\$

MR SHAWN DICKEY & MS CRYSTAL HARRIS  
2322 15TH ST NE  
CANTON, OH 44705

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>Shawn Dickey</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>MR. SHAWN DICKEY &amp; MS. CRYSTAL HARRIS 2322 15TH ST NE CANTON, OH 44705</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>7009 0080 0002 0413 1704</p>

### **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.

### **1513.01 DEFINITION AND EXEMPTION.**

**(a) Definition.** "Recreational fire" is defined for the purpose of this chapter as an outdoor fire burning seasoned dry firewood for pleasure, religious, ceremonial, cooking, warmth or similar purposes. (Ord. 236-2007. Passed 12-10-07.)

**(b) Exemption.** A small fire contained in a non-commercial clean burning enclosed cooking apparatus, commonly known as a grill, which is fueled by charcoal, propane or natural gas or similar material is exempt from the application requirement prescribed in Section 1513.02. (Ord. 207-2001. Passed 9-24-01.)

### **1513.02 APPLICATION, LOCATION, MATERIAL, SIZE AND DURATION.**

**(a) Application.** Application for approval of recreational fires shall be verbally submitted to the Fire Prevention Bureau at least forty-eight (48) hours before the fire is set. If a recreational fire is planned for a weekend or holiday, notification shall be given by 4:00 p.m. Friday or by 4:00 p.m. on the last business day before the holiday. The following information shall be provided at the time the approval is requested:

- (1) The purpose of the fire;
- (2) The nature and quantities of the material to be burned;
- (3) The date, time and duration of the fire;
- (4) The location; and
- (5) The fire-extinguishing equipment to be provided.

**(b) Location.** The location of the fire shall not be less than twenty-five (25) feet from any structure. (Ord. 236-2007. Passed 12-10-07.)

**(c) Material.** The material shall be of the minimum size for the intended purpose, consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fuel shall be chosen to minimize the generation and emission of air contaminants.

**(d) Size and Duration.** A recreational fire shall not be more than 2 ft. x 2 ft. x 2 ft. in dimension and shall not be permitted to burn longer than three (3) hours, unless approved by the Fire Prevention Bureau. All recreational fires shall be extinguished by 11:00 p.m.

**(e) Attendance.** A recreational fire shall be constantly attended until the fire is completely extinguished. Approved extinguishing equipment shall be available for immediate utilization at all times. (Ord. 207-2001. Passed 9-24-01.)

### **1513.03 PROHIBITED OPEN BURNING.**

(a) No person or property owner shall cause or allow open burning except as provided in Section 1513.02.

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

(c) If the fire is not a recreational fire which has been approved by the Fire Prevention Bureau, or any other form of open burning for which a permit has been issued by the Air Pollution Control Division of the Canton Health Department, it shall be extinguished and reported to the Air Pollution Control Division of the Canton Health Department. (Ord. 207-2001. Passed 9-24-01.)

### **1513.99 PENALTY.**

Whoever violates any of the requirements or provisions of this chapter shall be guilty of a misdemeanor of the fourth degree. (Ord. 207-2001. Passed 9-24-01.)