

Concep.

Air Pollution Control Division



APC Contractual Representative
Serving All of Stark County

Canton City Health Department

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

James M. Adams, MPA
Health Commissioner

CERTIFIED MAIL

August 12, 2009

Mr. John Edwards
308 Proudly Ave SW
Massillon, OH 44646-3826

Re: INVESTIGATION OF OPEN BURNING REPORT

Dear Mr. Edwards:

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 Friday, August 7, 2009, I was at your residence and we talked about the prohibition of open burning of residential waste. You showed me the burn barrel in the back yard and stated that you did burn recreational fires, but always kept them contained in the barrel for safety purposes. I did find unburned residential waste in the drum, but there was no evidence that this material was ever burned. You stated that this material was deposited there by children and there was no intent of burning.

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. Based on my observations of August 7, your fires meet these criteria.

For your reference, I enclose the applicable regulation.

Sincerely,

Gregory A. Clark

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



cc: Addressee via First Class Mail
Correspondence File
Complaints, Open Burn, Residential, Perry Township
Chief Mark Martin, Perry Township Fire Dept. 440 Canford Ave. NW Massillon, Ohio 44646-3558

7009 0080 0002 0413 1667

Domestic Return Receipt

Postmark
Date
6002 21 007

2.80
2.30

MR. JOHN EDWARDS
308 PROUDLY AVE SW
MASSILLON OH 44646-3826

Use for Instructions

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 JOHN EDWARDS
308 PROUDLY AVE SW
MASSILLON OH 44646-3826

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Signature Agent
 Address

B. Received by (Printed Name)
 J. EDWARDS

C. Date of Delivery

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

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 1667

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;