

Air Pollution Control Division

Canton City Health Department

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(330) 489-3385 • Fax: (330) 489-3335

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

James M. Adams, MPA
Health Commissioner

OhioEPA
APC Contractual Representative
Serving City of Stark County

RECEIVED

DEC 29 2009

CANTON CITY HEALTH DEPT.
AIR POLLUTION DIVISION

CERTIFIED MAIL

December 29, 2009

Mr. Ernest Harter
550 Genoa Ave NW
Massillon, OH 44646-3102

Re: ILLEGAL OPEN BURNING

Dear Mr. Harter:

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.

This office is in receipt of a report from the Perry Township Fire Department, who responded on December 27, 2009 to an open burning for waste disposal being conducted on your property. The fire department noted that they have made numerous calls to this address for the same thing.

Please be aware that your fire was in violation of Ohio Revised Code 3475-19-03(A). Also please be aware that the Ohio EPA can levy fines of \$250 per day per violation. If future enforcement is carried out against you, the EPA will base fines on all recorded instances of past violations, not just the single most current violation.

Sincerely,



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

Mark Abbott, Perry Township Fire Dept. 440 Canford Ave. NW Massillon, Ohio 44646-3558

7009 0080 0002 0413 0752
 4433 0752
 4433 0752

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 No Insurance Coverage Provided

Postage	.44
Registration Fee	2.80
Insurance	2.30
Other Fees	5.54

7009 0080 0002 0413 0752
 4433 0752

MR ERNEST HARTER
 550 GENOA AVE NW
 MASSILLON OH 44646

7009 0080 0002 0413 0752
 4433 0752

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 on the front if space permits. 	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery ERNEST HARTER 12/30/04</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>1. Article Addressed to:</p> <p>MR ERNEST HARTER 550 GENOA AVE NW MASSILLON OH 44646</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>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7009 0080 0002 0413 0752</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;