

# Air Pollution Control Division

## 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



APC Contractual Representative  
Serving All of Stark County

**CERTIFIED MAIL**

November 12, 2009

Mr. Scott Smeyers  
8132 Fohl St. SW  
Navarre, OH 44662-9701

**Re: INVESTIGATION OF ILLEGAL OPEN BURNING**

Dear Mr. Smyers:

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, October 27, 2009, I was at your residence and observed a smoky leaf fire on your property. Please be advised that this open burning was in violation of EPA Regulations, specifically Ohio Revised Code 3745-19-04(3)(c) because your fire was less than one thousand feet from a inhabited building not on your property.

I enclose a list of facilities that accept, free of charge, leaves and lawn trimmings.

Sincerely,

A handwritten signature in cursive script that reads "Gregory A. Clark".

Gregory A. Clark, CHMM, CAHES  
Air Pollution Control Engineer  
Enclosure: OAC Rule 3745-19-04

List of Stark County Yard Waste Recycling Sites

cc: Addressee via First Class Mail  
Bethlehem Township Fire Dept., 34 Main St. S., Navarre, OH 44662-1141  
Correspondence File  
Complaints, Open Burn, Residential, Bethlehem Township

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7009 0080 0002 0413 1698

Information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$
Certified Fee	2.80
Return Receipt (if required)	2.30
Total	\$



MR. SCOTT SMEYERS  
 8132 FOHL ST. SW  
 NAVARRE, OH 44662-9701

**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. SCOTT SMEYERS  
 8132 FOHL ST. SW  
 NAVARRE, OH 44662-9701

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*X Scott Smeyers*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Scott Smeyers* *11/13/09*

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 1698

## Stark County Yard Waste Sites

- Accepts yard waste materials (see list below).
- **FREE** of charge.
- Any resident of Stark, Tuscarawas or Wayne County.
- At the following locations: *(All sites are open Dawn to Dusk unless otherwise noted)*

### Accepted Materials:

Grass - Leaves - Branches - Stumps - Shrubs

### Not Accepted Materials:

Business Waste - Railroad Ties - Wooden Furniture -  
Treated Wood - NO Plastic Bags

#### Leitch City

- Behind Police Dept. (Church Street)

#### Freewster Village

- Street Department (W. First Street)

#### Manal Fulton Village

- Street Department (950 Water Street)

#### Wanton Township

- Township Building (4711 Central Ave)

#### Jackson Township

- West of High School (Fulton Drive)

#### Lake Township

- Service Garage (Midway Street)

#### Lawrence Township

- County Outpost (12649 Orrville Street SW)
- Monday - Friday (7:00am - 3:30pm)

#### Lassillon City

- City Garage (401 Walnut Road SW)
- Mon - Friday (7:00am 3:30pm)

#### Lavarre Village

- Wastewater Treatment Plant (Hudson Drive)
- Monday - Friday (7:00am 3:00pm)

#### Limishillen Township

- Township Garage (4915 Nickelplate NE)

#### Laris Township

- Township Office (14220 Freed Street SE)

### **3745-19-04 Open burning in unrestricted 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 an unrestricted area except as provided in paragraphs (B) to (C) 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 except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.

(3) Disposal of residential waste or 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.

(4) 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.

(5) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

**Fires allowed by paragraphs (B)(1), (B)(2), (B)(3) and (B)(5) of this rule shall not be used for waste disposal purposes, and shall be of the 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 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)(4) of this rule;

(2) Instruction in methods of fire fighting or for research in the control of fire 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 rule 3745-19-03 of the Administrative Code. 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) Disposal of land clearing 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 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; and

(d) An air curtain destructor or other device or method determined by the director to be at least as effective is used to curtail release of air contaminants;

(5) Recognized horticultural, silvicultural, range, or wildlife management practices; and

(6) 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.

(D) Open burning shall be allowed for the 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.

Effective: 07/07/2006 R.C. 119.032 review dates: 01/20/2006 and 07/07/2011 CERTIFIED ELECTRONICALLY Certification 06/27/2006 Date Promulgated Under: 119.03

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