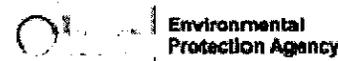


Air Pollution Control Division



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

James M. Adams, RS, MPH
Health Commissioner

Daniel J. Aleman, MBA, PE
APCD Administrator

September 30, 2010

Mr. Jeff Sterling
2333 Scheiring Ave SW
Canton, OH 44706

Re: INFORMATIONAL LETTER/OPEN BURNING

Dear Mr. Sterling

On September 29, 2010, The Canton City Health Department, Air Pollution Control Division (APCD) received notice from Perry Fire Department regarding a trash fire on your property. According to the report the fire consisted of a large (20 x 20) pile of wood fencing with wire attached.

Please be advised that open burning for waste disposal on your property is a violation of Ohio Revised Code 3745-19-03 and the property owner can be held responsible for violations occurring on their property.

This Agency does not intend to pursue further enforcement actions at this time, but be aware that violations can incur fines of \$250 per day per violation.

Enclosed, for your reference, is a copy of Ohio EPA regulation 3745-19-03 "Open burning in restricted areas."

Sincerely,

A handwritten signature in cursive script that reads "Patrick Shriver".

Patrick Shriver
Air Pollution Control Lab Supervisor

Enclosure: OAC

cc: Correspondence File

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.

- (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.