

Correspondence

# Air Pollution Control



APC Contractual Representative  
Serving All of Stark County

## Division Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544  
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Daniel J. Aleman, P.E., MBA  
APCD Administrator

James M. Adams, MPH  
Health Commissioner

**CERTIFIED MAIL**

August 11, 2010

Frank H. and Patricia A. Swogger  
3307 12<sup>th</sup> St. NW  
Canton, OH 44708-3909

**Re: WARNING LETTER RE: ILLEGAL OPEN BURNING ON YOUR  
PROPERTY AT 3307 12<sup>TH</sup> ST., NW IN CANTON TOWNSHIP**

Dear Mr. and Mrs. Swogger:

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.

I was on your property on August 10, 2010 and observed evidence of a recent oversize fire in the burn ring in your back yard. Your property is in what the Ohio EPA defines as a restricted area. The Ohio EPA prohibits burning for waste disposal in restricted areas, Therefore your fire was in violation of Ohio Administrative Code 3745-19-03(B)(2)(b).

You are also advised that your fire pit is in violation of Ohio Administrative Code 3745-19-03(B)(2)(c) because it exceeds three feet in diameter. The legal limit for a recreational fire is three feet in diameter and two feet in height.

There will be no EPA fines or enforcement at this time, but please be aware that future violations can incur fines of \$250 per day per violation.

Sincerely,

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

Enclosures: OAC Rule 3745-19-03; Photos

cc: Addressee via First Class Mail  
Cpt. Karla Nevel, Canton Township Fire Dept., 202 49th St SE Canton, OH 44707  
Correspondence File  
Complaints, Open Burn, Residential, McKinley Township  
GA Clark



3307 12<sup>th</sup> St NW, Canton, 05/ 10/2010 GA Clark



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FRANK H AND PATRICIA A SWIGGER  
 3307 12TH STREET NW  
 CANTON, OH 44708-3909

### 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.