

# Air Pollution Control Division

**OhioEPA**  
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, MPH**  
Health Commissioner

# COPY

**CERTIFIED MAIL**

December 2, 2010

Steven B. Engleman  
124 51<sup>st</sup> St SE  
Canton OH 44707-1014

### **Re: WARNING LETTER: OPEN BURNING IN VIOLATION OF OHIO EPA RULES**

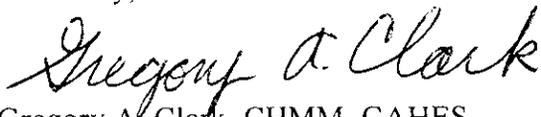
Dear Steven B. Engleman:

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 information from the Canton Township Fire Department that they have responded to trash fires at your property. They stated that they have tried to explain the open burning rules to you, but you have been unresponsive to their offers.

You are hereby warned that trash fires are in violation of Ohio Administrative Code Rule 3745-19-04 (A). I enclose a copy of this rule. 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. Also, if Ohio EPA enforcement is ever undertaken, the State will levy fines for all violations on record from the fire department.

Sincerely,



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

Enclosures: OAC Rule 3745-19-04;

cc: Addressee via First Class Mail

Cpt. Karla Nevel, Canton Township Fire Dept., 202 49<sup>th</sup> St., Canton, OH 44707-1071.

Correspondence File

Complaints, Open Burn, Residential, Canton Township

GA Clark

7009 0080 0002 0413 255B

United States Postal Service  
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STEVEN B. ENGLEMAN  
 124 51ST. STREET SE  
 CANTON, OH 44707-1014

Reverse for Instructions

**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