

# 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

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

James M. Adams, MPH  
Health Commissioner

**CERTIFIED MAIL**

January 5, 2011

Harold V. and Victoria L. Thompson  
4480 Kirby Ave NE  
Canton OH 44705

**Re: ILLEGAL OPEN BURNING, PROPERTY OWNED BY YOU AT 4480 KIRBY AVE NE**

Dear Harold and Victoria Thompson:

The Canton City Health Department, Air Pollution Control Division (APCD) is a contractual representative for the Ohio EPA in air quality matters within Stark County.

On January 4, 2011, I observed and documented open burning for waste disposal in a small metal pan in the back yard of this property. This property is in what the Ohio EPA defines as a restricted area. I discussed the fire with Mr. James Bird. He stated that he was unaware of the Ohio EPA's prohibition of open burning for waste disposal. He agreed to discontinue burning for waste disposal purposes.

This fire was in violation of Ohio Administrative Code 3745-19-03(B)(2)(b).

There will be no EPA fines or enforcement at this time against either Mr. Bird or you, but please be aware that future violations can incur fines of \$250 per day per violation. Also please be aware that property owners can be held liable for violations committed by tenants and that there is a history of similar complaints against your property. This puts you at high risk for enforcement. I enclose copies of Ohio EPA's open burning regulations and a copy of the open burning guidelines prepared by the Plain Township Fire and Rescue Department. Please review these with all tenants.

Harold and Victoria Thompson  
January 5, 2011  
Page 2 of 2

For the benefit of all, please be aware that Plain Township offers free drop off for recycling of numerous materials, including cardboard. I enclose recycling information

Sincerely,



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

Enclosures: OAC Rule 3745-19-03;  
Plain Township Open Burning Guidelines  
Plain Township Recycling Information

cc: Addressee via First Class Mail

Troy Slabaugh, Plain Township Fire and Rescue, 2600 Easton St. NE Canton, Ohio 44721-2600.  
James Bird, 4800 Kirby Ave NE, Canton OH 44705  
Correspondence File  
Complaints, Open Burn, Residential, Plain Township  
GA Clark

Post Office Service  
**CERTIFIED MAIL RECEIPT**  
 (No Insurance Coverage Provided)  
 (Information on our website at www.usps.com)

7009 0080 0002 0413 2619

Postage	.44	Postmark Here
Registration Fee	2.80	
Insurance Fee	2.30	
Other Fees		
<b>Total</b>	<b>\$ 5.54</b>	

TO: JAMES BIRD  
 4480 KIRBY AVE NE  
 CANTON, OH 44705

PS Form 3811, August 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>J. Bird</i> C. Date of Delivery <i>1-11-11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:          HAROLD V AND VICTORIA L THOMPSON          4480 KIRBY AVE NE          CANTON, OH 44705</p>	<p>3. Service Type  <input 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>PS Form 3811, February 2004</p>	<p>7009 0080 0002 0413 2619          Domestic Return Receipt          102595-02-M-154</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;

(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.



## Departments

[Administrator](#)

[Fire & Rescue](#)

[Organizational Chart](#)

[Fire Stations](#)

[Services](#)

[Safety Tips](#)

» [Open Burning Guidelines](#)

[Just for Kids](#)

[Fiscal Officer / Finance](#)

[Planning](#)

[Parks & Recreation](#)

[Road](#)

[Sheriff](#)

[Zoning](#)

## Fire & Rescue: Guidelines for Open Burning

The EPA, Ohio Division of Air Pollution and control, has classified Plain Township as a restricted area.

### Open Burning Law 3745-19-03

No person shall cause or allow open burning in a restricted area unless having the criteria listed below.

**Open Burning:** The burning of any materials wherein products of combustion are emitted directly into the air without passing through a stack or chimney.

**Bonfire:** An outdoor fire utilized for ceremonial purposes (i.e.: homecomings, scout programs, religious ceremony, etc.). A bonfire shall not be more than 5'x5'x5' in dimension and shall not burn longer than 3 hours. A legal bonfire requires written notification to the EPA and a permit from the Plain Township Fire Department.

**Recreational/ Campfire:** A fire for the purpose of cooking food for human consumption, pleasure, warmth, recreational or similar purposes, if all conditions below are met. The pile size shall not be more than 3' in diameter, and not more than 2' high.

**Open Burning Prohibited F-307.22:** The code of official shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when local circumstances make such fires hazardous. The code official shall order the extinguishment, by the occupant for the Fire Department, of any open burning which creates, or adds to, a hazardous or objectionable situation.

**Location F-307.3:** A recreational fire with a pile size of 3' X 2' or less shall not be less than 25' from any structure. All other open burning shall not be less than 50' from any structure.

**Materials 3745-19-03-B(2)a:** Open burning shall not be utilized for waste disposal purposes, and shall be of clean, dry wood only.

**Attendance F-307.4:** Any open burning shall be constantly attended until the fire is extinguished and at least one portable fire extinguisher or other approved on-site fire extinguishing equipment shall be available for immediate utilization if needed.

- ✓ The Plain Township Fire & Rescue Department investigates open burn complaints and contacts the local EPA authority for enforcement.
- ✓ You are advised to call the Fire Department at (330) 492-4089, 24 hours in advance of a legal open burn. Contact the Fire Department does not grant permission for an illegal fire.
- ✓ We will attempt to monitor situations, as needed, to maintain a reasonable number of open burns.
- ✓ Excessive fires, with complaints being received by the Fire Department, shall be classified as a "nuisance" and the applicable laws will be enforced.
- ✓ The local EPA authority may be contacted at (330) 489-3385.

 [Download a copy of the Open Burning Guidelines.](#)



**Services/Information**

- [Events Calendar](#)
- [Flag Etiquette](#)
- [Historical Society](#)
- [Local Links](#)
- [Newsletter](#)
- [Public Records Policy](#)
- » [Recycling](#)
- [Oil Recycling](#)
- [School Districts](#)
- [Stormwater Program](#)

**Recycling**



**General Recycling**

Self-service recycling sites are open seven days a week, from dawn to dusk, at the following locations:

- Diamond Community Park, 2782 Diamond Street NE (west parking lot)
- Taft and Day School grounds (located on Salway NW)
- Middlebranch Middle School, 7500 Middlebranch NE

Recyclables should be separated as follows:

- Newspapers / Magazines
- Plastics (#1 and #2) / Glass
- Food Boxes
- Aluminum / Steel
- Flat Corrugated Cardboard



**Yard Waste**

Notice: This year, the drop-off site at Fire Station #4 on Easton Street will not be open seven days/week as in previous years.

Two yard waste drop-off sites are available for residential use:

- Fire Station #4 [Get Directions](#)  
2855 Easton Street NE.

**October 13 - October 29, 2010**

*Open Monday - Friday, 8:00 a.m. - 6:00 p.m.*

**October 30 - November 24, 2010**

*Open Monday - Friday, 8:00 a.m. - 6:00 p.m., Saturday 11:00 a.m. - 6:00 p.m.,  
Sunday, 12:00 p.m. - 5:00 p.m.*

*- Closed for Veterans' Day, and Thanksgiving weekend.*

**November 29, 2010 - January 8, 2011**

*Open Monday, Thursday, and Saturday - 8:00 a.m. - 6:00 p.m.*

**January 9, 2011 - March 15, 2011**

*Closed*

- Warstler Brothers Landscaping [Get Directions](#)  
4125 Salway Ave. NW  
Monday - Friday, 8:00 a.m. - 5:00 p.m.  
Saturday, 8:00 a.m. - 3:00 p.m.

All materials are to be unloaded and emptied from bags by residents. Yard waste such as grass clippings, leaves and branches will be accepted. PLASTIC BAGS, TREATED WOOD AND BUSINESS YARD WASTE ARE NOT ACCEPTABLE.



**Tire Recycling**

Three Stark County recycling drop-off sites accept tires as follows: 12 tires per person per year off the rim (4 per person each time). Car and light truck tires only.

- Canton Recycling Center  
330-430-7869  
742 Schroyer Ave. SW  
Monday - Friday, 1:00 p.m. - 5:30 p.m.  
Saturday, 8:00 a.m. - Noon
- Jackson Township Recycling Station  
330-833-7365  
5717 Wales Ave. NW  
Monday - Saturday, 9:00 a.m. - 5:00 p.m.

- Perry Township Recycling Station  
330-833-2141  
5075 Southway St. SW  
Monday, 10:00 a.m. - 6:00 p.m.  
Tuesday - Thursday, 8:00 a.m. - 2:00 p.m. Friday, 9:00 a.m. - 5:00 p.m.  
Saturday, 8:00 a.m. - 2:00 p.m.



#### **Oil Recycling**

Find oil recycling information and local drop-off sites [here](#).



#### **Aluminum Cans**

Cans are collected at all Plain Township Fire Stations to benefit the [Aluminum Cans for Burned Children Program \(ACBC\)](#).



#### **Contact Numbers**

For questions, or more information on disposal of items not included in this program, please contact the [Joint Solid Waste Management District](#) at 1-800-678-9839.