

Air Pollution Control Division



Canton City Health Department

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APC Contractual Representative
Serving All of Stark County

Terri A. Dzienis
APCD Administrator

James M. Adams, RS, MPH
Health Commissioner

November 27, 2012

CERTIFIED MAIL

Dexter Douglas
4620 Erie Ave N
Canal Fulton, OH 44614

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-04;
unauthorized illegal open burning in an unrestricted area; First Violation**

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 have the authority to investigate and enforce Ohio EPA air pollution regulations.

On Thursday, November 8, 2012, Canton City Health Department, APCD received a complaint of open burning on your property. Since this property is located in what the Ohio Administrative Code (OAC) 3745-19-01(L) defines as an unrestricted area, OAC 3745-19-04(B) allows the following without notification to or permission from the Ohio EPA; Disposal of residential (landscape) 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, liquid petroleum products, plastics or building materials.

OAC 3745-19-04(C)(4) allows the following upon receipt of written permission from the Ohio EPA: Disposal of land clearing waste generated on the premises if the following conditions are observed:

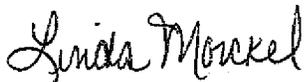
- (a) The fire is set only when atmospheric conditions will readily dissipate contaminants;
- (b) The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
- (c) The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
- (d) 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.

On Monday, November 19, 2012 at 2:45 p.m., I visited your home and found you burning leaves in an area approximately three feet in diameter and land clearing an area that was approximately twelve feet in diameter. I spoke to you regarding the fire regulations. Photographs were taken during my inspection and are attached for your review. Since the burn sites were located less than one thousand feet from inhabited buildings not located on said premises, and written permission for the land clearing was not received from the Ohio EPA, this is a violation of OAC 3745-19-04(B) and OAC 3745-19-04(C). I am enclosing a copy of OAC Rule 3745-19-04 for your reference. I have also enclosed a list of Stark County's free yard waste collection sites, which you may consider using as an alternative to burning.

Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxin in the nation. Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury. These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

This agency requests your cooperation by ceasing any open burning in violation of Ohio EPA regulations. Be advised that the Ohio EPA does have the authority to penalize fines of up to \$250 per day to citizens for open burning violations, and does have the authority to request the attorney general to initiate legal action to seek additional penalties of up to \$25,000. Since this is the first violation at this property, we will not take further action at this time. Any future violation will result in penalties.

Sincerely,



Linda Morckel
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-04, photo documentation, yard waste drop-off sites

cc: Erie Avenue LLC, c/o Mark Douglas, 225 West 6th St, Brewster, OH 44613
Correspondence
Complaints File, Open Burning, Lawrence Township