

# 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

Mr. & Mrs. Cheatham  
2517 Daleford Ave NE  
Canton, OH 44705

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-03;  
unauthorized illegal open burning in a restricted 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 Tuesday, November 13, 2012 at 1617 hrs, Canton Fire Department Engine 7 was at your address to investigate unauthorized burning. Since this property is located in what the Ohio Administrative Code (OAC) 3745-19-01(K) defines as a restricted area, OAC 3745-19-03(B) allows the following without notification to or permission from the Ohio EPA; 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.

On Monday, November 19, 2012 at approximately 4:05 p.m., I visited your home and viewed the burn area. It was approximately 4 feet in diameter and contained leaves, burned beverage cans, plastic bottles, and food containers. Photographs were taken during my inspection and are attached for your review. I discussed with Kaye during my visit that since the burn area was larger than three feet in diameter, the fire was used for waste disposal, and these items do not constitute 'clean, seasoned firewood,' this is a violation of OAC 3745-19-03(B). I am enclosing a copy of OAC Rule 3745-19-03 for your reference. Please be aware that Canton City has stricter rules on recreational fires. I am also enclosing a copy of Canton City's fire ordinance.

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

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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 3745-19-03, Canton City Fire Ordinance, photo documentation

cc: Sherman & Odette Martin, 5227 Tanager NE, Canton, OH 44705  
Canton Fire Department, Interoffice Mail  
Correspondence  
Complaints File, Open Burning, McKinley Township