

Air Pollution Control Division

Ohio | Environmental
Protection Agency
APC Contractual Representative
Serving All of Stark County

Canton City Health Department

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Terri A. Dzienis
APCD Administrator

James M. Adams, RS, MPH
Health Commissioner

October 29, 2012

CERTIFIED MAIL

William Nichols
1235 21st Street NW
Canton, OH 44709

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-03;
unauthorized illegal open burning in a restricted area; Repeat Violation – Significant**

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.

In September of 2008, this office investigated a complaint of open burning in which you were burning a telephone pole. At that time, you received a Notice of Violation by Certified Mail for illegal open burning. On August 19, 2012, the Canton Fire Department responded to another outdoor fire at this address and filed a complaint with our office. I visited your property on August 28, 2012 to investigate the complaint and sent you an informational letter explaining Ohio's open burn regulations.

On Wednesday, October 17, 2012 at 1947 hrs, Canton Fire Department Truck 9 was again at your address to investigate unauthorized burning. As explained in the letter mailed to you a few months ago, 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.

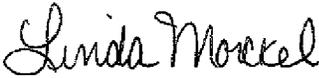
On Tuesday, October 23, 2012 at approximately 1:25 p.m., I visited your home and observed the burn area, which was approximately four feet in diameter and contained construction and demolition debris, beverage cans, and the top of a food can. Photographs were taken during my inspection and are attached for your review. Since these items do not constitute clean, seasoned firewood, the fire

was used for waste disposal, and the burn area is more than three feet in diameter, this is a violation of OAC 3745-19-03(B). I am enclosing a copy of OAC Rule 3745-19-03 for your reference. Canton City has stricter rules on outdoor 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 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. This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

Sincerely,



Linda Morckel
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-03, Canton City Fire Ordinance, photo documentation

cc: Canton Fire Department, Fire Prevention Office, Interoffice Mail
Correspondence
Complaints File, Open Burning, McKinley Township