

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

November 6, 2012

CERTIFIED MAIL

Bryan Phillips
11870 Tritts Street NW
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.

The Canal Fulton Fire Department responded to an outdoor fire at this address on October 21, 2012. On October 31, 2012, they reported this open burn to Canton City Health Department, APCD. 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 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.
- (f) Prior notification to the Ohio EPA is required for residential waste (including landscape waste) if the size of the waste pile exceeds ten feet by ten feet by ten feet.

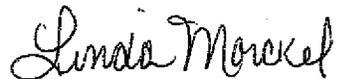
On Thursday, November 1 at 10:30 a.m., I visited your home with Denny Tan, Monitoring and Inspections Supervisor, and observed the burn area. You were not home so I left my business card at your front door. Photographs were taken during my inspection and are attached for your review. The burn area contained burned wood, plastic, and paper waste, including at least one magazine with a Canton address. Because this waste contained plastic, it was not generated on the premises, and the fire was located at a point on the premises less than four hundred feet from an inhabited building not located on said premises, this is a violation of OAC Rule 3745-19-04(B). I am including a copy of

OAC Rule 3745-19-04 for your reference.

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

cc: Correspondence
Complaints File, Open Burning, Lawrence Township
Canal Fulton Fire Department, 155 East Market Street, Canal Fulton, OH 44614
William Kusmits, 9861 Strausser Street, Canal Fulton, OH 44614
Bruce Weinburg, Ohio EPA, DAPC, P.O. Box 1049, Columbus, OH 43216-1049