

Air Pollution Control Division

Ohio | Environmental
Protection Agency
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

Terri A. Dzienis
APCD Administrator

James M. Adams, RS, MPH
Health Commissioner

October 29, 2012

CERTIFIED MAIL

Randy Dalton & Deborah Mayle
8124 Lincoln St
East Canton, OH 44730

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-04;
unauthorized illegal open burning in an unrestricted area; Second 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 Sunday, October 21, 2012, the Ohio EPA hotline received a complaint of open burning at this address. 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 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,

On Monday, October 22, 2012 at 2:10 p.m., Jaelyn Hupp, Monitoring & Inspections Technician, and I visited your property and observed three burn areas, which will be referred to as Area #1, Area #2 and Area #3 in this letter.

Area #1 was located near the pond located south of the home. It consisted of a burn area approximately four feet in diameter that contained charred wood.

Area #2 was located directly behind the home. It was approximately 5 to 6 feet in diameter and contained remnants of burned leaves and a piece of plastic material that was melted around the edges. The pile was covered with more leaves that had not yet been burned.

Area #3 was located on the north end of the property close to Lincoln Street. It consisted of a charred log approximately 5 to 6 feet in length.

Because no one was home at the time of the visit, my business card was left at your front door. Photographs were taken during my inspection and are attached for your review. Because all three burn areas are less than one thousand feet from inhabited buildings not located on said premises, and burn area #2 contained a petroleum product, this is a violation of OAC Rule 3745-19-04. I am enclosing a copy of OAC Rule 3745-19-04 for your reference, and 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. Because you violated Ohio Administrative Code 3745-19-04 in July of 2011, this is considered the second violation at this property and 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: Correspondence
Complaints File, Open Burning, Osnaburg Township
Osnaburg Township Fire Department, 7115 Hillvale Street, East Canton, OH 44730