

# AIR POLLUTION CONTROL DIVISION

OHIO EPA APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY



**Public Health**  
Prevent. Promote. Protect.

**TERRI A. DZIENIS**  
APCD ADMINISTRATOR

**JAMES M. ADAMS, RS, MPH**  
HEALTH COMMISSIONER

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## CANTON CITY HEALTH DEPARTMENT

420 MARKET AVENUE NORTH  
CANTON, OHIO 44702-1544  
PHONE: (330) 489-3385 • FAX: (330) 489-3335  
WEB: WWW.CANTONHEALTH.ORG

### CERTIFIED MAIL

FEBRUARY 7, 2013

Luke & Katie Aguredakes  
8103 Old Canal Lane  
Malvern, OH 44644

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-04;  
unauthorized illegal open burning in an unrestricted area; First Violation  
Located at 4006 Paris Ave SE, Minerva, OH 44657**

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 Monday, February 4, 2013, I witnessed open burning at 4006 Paris Ave SE, which is listed on the Stark County Auditor's website as being owned by you. 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; 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 except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height, if the ceremonial fire burns no longer than three hours.

Because I was unable to stop at the time I witnessed the fire, I visited the property on Tuesday, February 5, 2013 at 11:35 a.m. No one was there so I left my business card in the front door. I observed the burn area, which was approximately eight feet in diameter and contained cans, plastic and metal items, and building materials. Photographs were taken during my inspection and are

attached for your review. Because the burned items do not constitute 'clean, seasoned firewood,' the fire was used for waste disposal purposes, and the burn area was larger than three feet in diameter, this is a violation of OAC 3745-19-04(B). I am enclosing 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 Morekel  
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-04, photo documentation

cc: Correspondence  
Complaints File, Open Burning, Paris Township



Burn area with clipboard to show size



Spring and other pieces of metal



Plastic building material



A can and building material