

# 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

## 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

APRIL 25, 2013

David Davis  
501 Brown Ave NW  
Canton, OH 44703

**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 Monday, April 15, 2013, the Canton City Fire Department was at this 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, April 22, 2013 at 3:20 p.m., I visited this property and observed the burn area, which was approximately 4 feet in diameter and contained a melted plastic bottle and pieces of burned furniture. You were not home so I left my business card in the front door. Photographs were taken during my inspection and are attached for your review. Although furniture is made of wood, it is covered with stain and lacquer products. For this reason, it is not allowed to be burned. Since these items do not constitute 'clean, seasoned firewood', the fire was used for waste disposal purposes, and the fire was greater 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. 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 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: Canton Fire Department, Interoffice Mail  
Correspondence  
Complaints Database File #7982



Burn area with clipboard to show size



Melted plastic bottle



Burned piece of furniture



Burned furniture or molding