

AIR POLLUTION CONTROL DIVISION

OHIO EPA AGENCY 15 • APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY



Public Health
Prevent. Promote. Protect.

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APCD ADMINISTRATOR

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CANTON CITY HEALTH DEPARTMENT

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CERTIFIED MAIL

JUNE 6, 2013

Kathleen Schweizer
4835 15th St SW
Canton, OH 44710

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.

Over the years, this office has responded to several complaints of open burning at this residence. In August 2010, Gregory Clark, Air Pollution Control Engineer, mailed you a warning letter for a fire in which pallets were burned, scorching a nearby tree approximately 10 feet in the air. In August 2012, I visited your residence to investigate a complaint of open burning and observed melted glass bottles and construction waste in the burn area. The fire had been so tall that a nearby tree was scorched approximately 15 feet from the ground. A Notice of Violation dated August 24, 2012 was mailed to you for this incident.

On Tuesday, May 28, 2013, an anonymous complaint was received by this office regarding open burning at this address. As explained in the Notice of Violation mailed to you nine 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 Friday, May 31, 2013 at 3:05 p.m., I visited your home. Although several cars were parked at the home, no one answered the door, so I viewed the burn area from an adjacent property. The area was approximately four feet in diameter and contained partially burned green pine branches and cardboard. A photograph was taken during my inspection and is 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.

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 Ohio 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 Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

Please be advised that this office is forwarding all case-related information to Ohio EPA for further enforcement action.

Sincerely,



Linda Morckel
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-03, photo documentation

cc: Kathleen Schweizer via first class mail
Bruce Weinberg, Ohio EPA, via email
Correspondence
Complaints and Inspection Database File #8029



Burn area with partially burned green pine branches and cardboard on left side



Different view of burn area from neighbor's yard

