AIR POLLUTION CONTROL DIVISION

OHIO EPA APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY

CANTON CITY HEALTH DEPARTMENT

420 MARKET AVENUE NORTH
CANTON, OHIO 44702-1544
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Public Health
Prevent. Promote. Protect.

TERRI A. DZIENIS
APCD ADMINISTRATOR

JAMES M. ADAMS, RS, MPH
HEALTH COMMISSIONER

CERTIFIED MAIL

MAY 13, 2013

Rick Kafer
1306 St. Elmo Ave NE
Canton, OH 44705

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 Saturday, May 4, 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 Tuesday, May 7, 2013 at 1:50 p.m., I visited this property and observed the burn area, which contained leaves and construction debris. You were not there at the time so I left my business card in the front door. Photographs were taken during my inspection and are attached for your review. Since these items do not constitute 'clean, seasoned firewood' and the fire was used for the purpose of waste disposal, 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

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 #8003
Harold Smallwood & Marie Neff, 2893 Maplegrove Ave NE, Louisville, OH 44641

1306 St. Elmo Ave NE
Canton, OH 44705

Photos taken May 7, 2013
by L. Morckel, M & I Technician

Leaves in burn area

Construction debris with screw and hinge in bottom right corner

Burn area

Air Pollution Control Division
Canton City Health Department
Ohio EPA APC Contractual representative serving all of Stark County