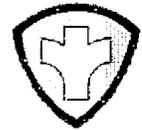


AIR POLLUTION CONTROL DIVISION

OHIO EPA AGENCY 15 • 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

JUNE 24, 2013

Willis Miller
WKM Holding Company
9874 Winesburg Rd
Dundee, OH 44624

**Re: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE 3745-19-04;
unauthorized illegal open burning in an unrestricted area; Significant Violation
Scrap Tire Fire at Parcel #6703547, Mt. Eaton St, Brewster**

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, May 27, 2013, the Brewster Fire Department, a Stark County Deputy Sheriff, and Philip Revlock of the Stark County Health Department reported to a scrap tire fire at Parcel #6703547 on Mt. Eaton Street, Brewster, Ohio. The tenant at this property told the Stark County Deputy Sheriff that he intentionally burned the tires. The Stark County Auditor's website lists parcel #6703547 as being owned by WKM Holding Company. As the owner of this property, WKM Holding Company is responsible for the open burning that took place there. On June 13, 2013, Stark County Health Department referred the open burning issues to our office. On Tuesday, June 18, 2013, I visited the site and took photographs, a few of which are attached for your review.

Below is a summary of the findings, violations and requested actions that need to be addressed as a result of these investigations:

Finding 1:

On May 27, 2013, approximately 100 tires located at Parcel #6703547, Mt. Eaton St., Brewster, were burned. Parcel #6703547 is owned by WKM Holding Company per the Stark County Auditor. According to the report from the Brewster Fire Department and the Notice of Violation from the Stark County Health Department dated June 7, 2013, the tenant intentionally burned the tires.

Violation of:

As owner, WKM Holding Company is in violation of Ohio Administrative Code (OAC) 3745-19-04(A), which states:

"No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code."

Since the fire was used to dispose of the tires, WKM Holding Company is also in violation of OAC 3745-19-04(B)(2)(b) which states that:

Open burning shall be allowed if the fire is "not used for waste disposal purposes"

Finding 2:

According to the report from the Brewster Fire Department, the fire consisted of approximately 100 tires, and the pile that was burning on their arrival was approximately 30 x 30 feet in diameter.

Violation of:

Due to the large size of the fire, WKM Holding Company is in violation of OAC 3745-19-04(B)(2)(c) which states that:

An outdoor fire "shall have a total fuel area of three feet or less in diameter and two feet or less in height"

Due to the nature of the materials that were burned, WKM Holding Company is in violation of OAC 3745-19-04(B)(3)(e) which states that:

"No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials."

Burning 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.

Finding 3:

The tires that were burned were within 358 feet from the home located at 15160 Mt. Eaton St. See attached photograph for your review.

Violation of:

Due to the proximity of the fire to the home located at 15160 Mt. Eaton St., Brewster, Ohio, WKM Holding Company is in violation of OAC 3745-19-04(B)(3)(c) which states that:

An outdoor fire shall be "located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises"

Since WKM Holding Company violated OAC 3745-19-04 (as stated above), then they are also in violation of Ohio Revised Code (ORC) 3704.05(G), which states:

"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."

Requested Actions:

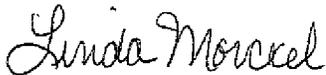
1. This agency requests an immediate written response via email or regular mail confirming receipt of this letter. Also include any corrective action you have taken to prevent this incident from occurring in the future.
2. This agency requests your cooperation by ceasing any open burning in violation of Ohio EPA regulations.

Please note 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.

If you have any questions, please contact me at phone number 330-489-3385 or email per the address below.

Sincerely,



Linda Morckel
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: OAC 3745-19-04, photo documentation

cc: Correspondence
Complaint & Inspection Database, #8048
Brewster Fire Department, 110 E Main St, Brewster, OH 44613
Bruce Weinberg, Ohio EPA, via email
Stark County Health Department, Phil Revlock via email



Portion of the burn area



Partially burned tires



Partially burned tires



Distance to home at 15160 Mt. Eaton St., from Stark County Auditor's website