



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Mercer County
Open Burning Complaint
**Notice of Violation (NOV) &
Return to Compliance (RTC)**

December 10, 2012

CERTIFIED MAIL

Gregory & Tonia Fortkamp
Fortkamp Residence & Fortkamp Foam
3226 Wabash Road
Fort Recovery, Ohio 45846

Dear Mr. & Mrs. Fortkamp:

This office received a complaint on December 4, 2012, concerning open burning being conducted on your property. My investigation, conducted on December 6, 2012, shows various wastes, from both the residence on the property and the commercial business Fortkamp foam, were burned on site for disposal purposes. An approximately 8' x 12' burn site was observed on the property and was found to contain the following: plastic bags packed full of other plastic bags from "blow-in" cellulose insulation; aerosol cans; household trash including plastics; chunks of expanding foam insulation; construction and demolition debris, and; "puddles" of cooled plastic from an unknown source. While the burn site is located more than 1000' from adjacent inhabited residences, wastes have been burned which are not allowed for in the rules. These wastes include, but are not limited to, any waste generated by the business any plastic products and any food wastes.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than December 31, 2012.

Gregory & Tonia Fortkamp
December 10, 2012
Page 2

Please note that the submission of the requested information to respond to this letter does not constitute waiver of the 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. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

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Enclosure

pc: Mercer County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7031 3500 0000 8204 3118

ec: Brian Dickens, US EPA, Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO