



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

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

August 6, 2013

CERTIFIED MAIL

Mr. Darwin Beck, Co-owner
Grelton Elevator, Inc.
P.O. Box 23002
6944 County Road M
Grelton, Ohio 43523

Dear Mr. Beck:

On July 26, 2013, staff from this agency observed illegal open burning being conducted on your property, addressed above, and the matter was forwarded to me to address. My investigation, conducted on July 29, 2013, shows that the following materials were burned for disposal or to increase their recycling value: brush; pallets; plastic products; cardboards, and; used metal oil filters. This occurred at a commercial business in an unrestricted area.

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.

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

A copy of the OAC rules pertaining to open burning has been enclosed for your review. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. This was explained to you in a notice of violation sent to you for similar violations at your facility, Ridgeville Elevator, Inc. in Ridgeville Corners, Ohio, on May 18, 2011. Per your written response, dated May 31, 2011, you stated that you understood you "can no longer burn paper or anything." It is your responsibility to disseminate this information to your partners, subordinates and successors as you may be held liable for current and future violations of these rules on any property you own in Ohio.

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 August 22, 2013.

Mr. Darwin Beck
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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

/cg

Enclosure

pc: Henry County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346441

ec: Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO
Mohammad Smidi, DAPC – NWDO