



**Environmental
Protection Agency**

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

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

June 13, 2012

CERTIFIED MAIL

Mr. Steve Hemker, Owner
Hemker Grain Inc.
15970 Jonestown Road
Venedocia, Ohio 45894

Dear Mr. Hemker:

This office received a complaint on June 6, 2012, concerning open burning being conducted on the property at your business. My investigation, conducted on June 12, 2012, shows the following materials were burned for disposal purposes within 1000' (feet) of adjacent residences in an unrestricted area: straw, grain dust, cardboards, misc. metal parts dimensional lumber scraps, corrugated plastic drain tile aluminum cans, aerosol cans and one tire.

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 June 28, 2012.

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

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

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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: Van Wert County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118342733

ec: William MacDowell, U.S. EPA Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO