

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

February 5, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Craig Wing
Armrel Bymes Company
11399 Grooms Road
Cincinnati, OH 45242

RE: OPEN BURNING IN VIOLATION OF OAC §3745-19-04

Dear Mr. Wing:

A complaint regarding open fires at the Hunter's Ridge site was received by Hamilton County Environmental Services on January 25, 2007. According to the complainant and Captain Walls of the Colerain Township Fire Department, the fire had been burning since January 20, when the fire department attempted to control the fire.

Although the cause of the fire is unknown, it is likely that the fire was due to heat generated naturally inside a large pile of chipped wood. A field response was conducted by HCES on January 25 at 11:55 AM. Equipment was available on site, but no attempt was being made to spread the material to manage the fire and smoke.

Ohio Administrative Code § 3745-19-04(A) states no person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) and (C) of this rule or in 3704.11 of the Revised Code. Allowing the fire to burn for six days violates OAC § 3745-19-04(A).

We request a compliance plan, due by February 20, 2007, outlining steps you will take to minimize the risk of fires and steps you plan to take in the event of accidental fires in the future.

Be advised that failure to comply with the requirements of this letter may result in additional enforcement action, including possible referral of this case to the Office of the Ohio Attorney General. Acceptance by the Ohio EPA of a compliance plan does not constitute a waiver of the EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

Mr. Craig Wing
Armrel Byrnes Company

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The violations identified above also constitute a violation of Hamilton County General Health District rules. Hamilton County General Health District rules are enforced by the Hamilton County Environmental Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fair", written in a cursive style.

Michael Fair
Environmental Compliance Specialist

cc: Richard Muvihill, Project Supervisor, Thomas J. Ackermann Co.
Kerri Castlen, Enforcement Supervisor, HCES
G. Bruce Smith, Fire Chief, Colerain Township Fire & EMS