

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

October 5, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bob Ullrich
Hidden Valley Fruit Farm
5474 North State Route 48
Lebanon, OH 45036

RE: NOV FOR VIOLATION OF OAC RULE 3745-19-04 FOR HIDDEN VALLEY FRUIT FARM

Dear Mr. Ullrich:

Recently our agency received a complaint for open burning of agricultural waste at Hidden Valley Fruit Farm, located on North State Route 48 in Clearcreek Township. An investigation by Hamilton County Department of Environmental Services found open burning in violation of Ohio Administrative Code § 3745-19-04 (B)(3). Three piles of woody material had been burned less than 1000 feet from the nearest inhabited building, not located on your property. Piles were approximately 10 - 12 feet in diameter.

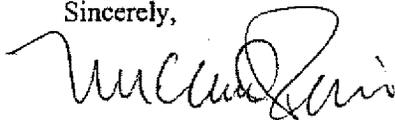
Open burning for agricultural waste is allowed in unrestricted areas, however, no material may be burned less than 1000 feet from your nearest neighbors' inhabited buildings. Open burning of rubber, grease, asphalt or liquid petroleum products is not allowed.

Please be advised that the Ohio Administrative Code (OAC) prohibits open burning within one thousand feet of any inhabited building not located on your premises. Violations of the OAC open burning standards may result in enforcement action, with possible referral to the Ohio EPA. You are required to suspend all open burning in violation of OAC 3745-19.

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

Sincerely,



Michael Fair
Environmental Compliance Specialist

cc: Lt. Chris Vecchi, Clearcreek Twp FD
Kerri Castlen, Enforcement Supervisor, HC-DOES
Duane Stansbury, Health Commissioner, Warren County Combined Health District

