

**HAMILTON COUNTY
ENVIRONMENTAL
S E R V I C E S**

September 19, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Mark Mason
5775 Hamilton Mason Road
Liberty Twp, OH 45011-1308

RE: Warning letter for open burning of residential waste in violation of OAC 3745-19-04.

Dear Mr. Mason:

Recently our agency received complaints for open burning of land clearing waste at your property at 5775 Hamilton Mason Road. An investigation by Hamilton County Department of Environmental Services found open burning in violation of Ohio Administrative Code § 3745-19-04 (C)(4). Open burning for land clearing is only allowed following the receipt of written permission. No material may be burned less than 1000 feet from your nearest neighbors' inhabited buildings.

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 submit a compliance plan to this agency. An acceptable plan will include a commitment to suspend all open burning in violation of OAC 3745-19, and a disposal strategy for land clearing wastes. That plan should be received in this office by no later than October 6, 2008.

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 Butler County Health Department rules. Butler County Health Department rules are enforced by the Hamilton County Department of Environmental Services.

Sincerely,



Michael Fair
Environmental Compliance Specialist

cc: Chief Anthony Goller, Westchester Twp FD
Kerri Castlen, Enforcement Supervisor, HC-DOES