

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

May 12, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Brian Smith
Smithscapes Landscaping
5837 Dry Fork Road
Cleves, OH 45002

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

Dear Mr. Smith:

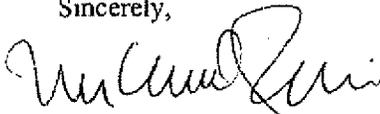
Recently our agency received complaints for open burning of land clearing waste and landscape wastes at your Dry Fork Road facility in Whitewater Township. The Whitewater Township Fire Department found open burning in violation of Ohio Administrative Code § 3745-19-04 (C)(4). Open burning for land clearing is only allowed following the receipt of written permission. No material may be burned less than 1000 feet from your nearest neighbors' inhabited buildings. No materials may be burned that are generated on other sites.

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.

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

Sincerely,



Michael Fair
Environmental Compliance Specialist

cc: Chief Scott Schorsch, Whitewater Twp FD
Kerri Castlen, Enforcement Supervisor, HC-DOES