

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

July 21, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Mark Crowe
4615 Wilmington Road
Oregonia, OH 45054

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

Dear Mr. Crowe:

Recently our agency received complaints for open burning of land clearing waste and landscape wastes at your Wilmington Road residence in Turtlecreek Township. The Turtlecreek Township Fire Department found open burning in violation of Ohio Administrative Code § 3745-19-04 (C)(4). Open burning of landscape wastes is allowed, however, 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 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: Chief Steven Flint, Turtlecreek Twp FD
Kerri Castlen, Enforcement Supervisor, HC-DOES
David Gully, Administrator, Warren County
Mike Yetter, Warren County Zoning