

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

October 1, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Benny Muncie
Spectra Scapes, Inc.
PO Box 103
North Bend, OH 45052

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

Dear Mr. Muncie:

Recently our agency received a complaint for open burning of agricultural waste at Spectra Scapes, Inc., located on Guard Lane in Whitewater Township. An investigation by Hamilton County Department of Environmental Services found open burning in violation of Ohio Administrative Code § 3745-19-04 (B)(3). An open fire was set less than 1000 feet from the nearest inhabited building, not located on your property. The burn pile contained pieces of plastic tubing.

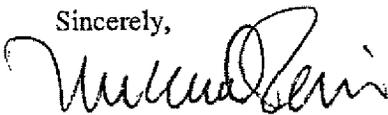
Open burning for agricultural waste is allowed in unrestricted areas, however, no material may be burned less than 1000 feet from your nearest neighbors' inhabited buildings. Open burning of rubber, grease, asphalt or liquid petroleum products is not allowed.

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 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
Chuck DeJonckheere, Hamilton County Public Health