



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Ashland County
Open Burning Complaint
**Notice of Violation (NOV) &
Return to Compliance (RTC)**

August 9, 2013

CERTIFIED MAIL

Mr. Ilya Prediy
Property Owner
260 US 224
Sullivan, Ohio 44880

Dear Mr. Prediy:

This office received a complaint on July 30, 2013, concerning open burning being conducted on your property. My investigation, conducted on July 31, 2013, shows, per your admission, household trash generated on the property and construction and demolition debris generated from a barn demolition and salvaging business operated from the property. Based on the location you identified, this was done within 1000' of adjacent residences not on the property.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the above cited violations.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. To be clear, any wastes not considered a "residential waste" or an "agricultural waste" are not permitted to be burned, which would include all wastes generated by any businesses which operate on the property. Also, when burning any type of wastes that are allowed by rule, one must be "no less than 1000' from any inhabited building" not on that property. An aerial picture has been enclosed which shows a potential location on the property where you would be able to meet the 1000' setback requirement.

Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than August 26, 2013.

Mr. Ilya Prediy
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Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Ohio EPA will determine later whether to pursue such penalties in this case. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/cg

Enclosure

pc: Ashland County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346434

ec: Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO