



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

July 8, 2013

Re: Belmont County
Open Burning
Complaint 30002881

Certified: 70122920000138146451

Mr. Mike Pandelos and Ms. Connie Ashbrook
57125 Glens Run Road
Martins Ferry, Ohio 43935

Dear Mr. Pandelos and Ms. Ashbrook:

I am writing this letter in response to a complaint received by this office June 17, 2013. The complaint alleges that you burn furniture, paint, plastics and other wastes that are hauled in by box trucks.

On June 26, 2013, I investigated this complaint and spoke to you, Ms. Ashbrook. Two men pulled in with a box truck while I was there. When I explained to them that it was in violation of state law to burn materials that are hauled in and dumped, they left. Evidence of large fires was observed. The ash pile was at least two feet deep. Couches, chairs, garbage bags of clothing, boxes of household items, lawn chairs, etc., were dumped on and next to the burn site. As I explained at that time, plastics, garbage, furniture, clothing, appliances, or any type of wastes that are hauled in cannot be open burned anywhere in Ohio.

On June 27, 2013, I spoke to you, Mr. Pandelos, by phone. You told me that you were going to clean up the area and haul out the wastes that were on the property. I explained to you at that time that you cannot burn any type of waste on this property. Because there is not a location on your property that is 1,000 feet from the nearest inhabited building on neighboring properties you also cannot burn your own residential wastes on this property. This includes paper, cardboard, leaves, tree trimmings etc.

Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I gave Ms. Ashbrook a pamphlet that explains this rule. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action will be taken against you both.

I am requesting a written response from you, within 14 days of receipt of this letter, which includes a commitment from you to stop open burning in violation of OAC rule 3745-19-

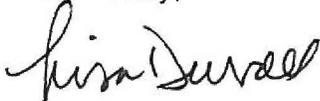
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04, a plan and schedule for cleanup of the burn area and any remaining solid waste materials, and a copy of the landfill receipt as proof of proper disposal. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's 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 Ohio EPA at a later date.

A copy of this letter is being forwarded to Ohio EPA's Division of Materials and Waste Management (DMWM). The information in this letter will be evaluated by DMWM and further investigation may be initiated if it appears violations within their jurisdiction have occurred.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/cs

cc: Joe Holland, DMWM/SEDO