



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

April 15, 2010

**RE: RON & JUSTIN JANSON
NOTICE OF VIOLATION**

CERTIFIED MAIL

Ron Janson
435 Lower Cork Lane
Geneva, OH 44041

Dear Mr. Janson:

On April 1, 2010, the City of Ashtabula and the Ohio Environmental Protection Agency (Ohio EPA) inspected the property located on Walter Main Road, Geneva, Ohio 44041, in Ashtabula County. The inspection was in response to a complaint of open dumping of solid wastes and construction and demolition debris (CDD). Jason Strong and Terri Collett, representing Ashtabula City, and John Hujar and I, representing Ohio EPA Division of Solid and Infectious Waste Management, conducted the inspection. This location and/or facility is not permitted or licensed by Ohio EPA as a solid waste transfer facility as defined in Ohio Administrative Code (OAC) 3745-27-01(S)(29) nor a construction and demolition debris (CDD) disposal facility as defined in OAC 3745-400-01(G).

The purpose of the inspection was to follow up on a complaint that alleged that Justin Janson, who has contract with the City of Ashtabula (City) regarding the demolition and disposal of burnt and dilapidated structures, was disposed of CDD without a CDD license. Apparently, the demolition contract with the City allowed clean hard fill to be taken offsite for reuse, but the remaining solid waste and CDD had to be taken to an appropriate licensed disposal facility.

Upon inspection of the facility, it appeared that the bulk of the material, if sorted, could be clean hard fill. However, the Ohio EPA identified the following violations:

1. **OAC 3745-27-05(C)** states in part, *"No person shall conduct, permit, or allow open dumping."* and **Ohio Revised Code (ORC) 3734.03** states in part, *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."*

Ohio EPA observed the following burnt solid waste on-site and Justin Janson admitted to burning wood and tree stumps. It also appeared that there was burnt CDD. Burnt CDD is considered a solid waste and must be taken to a solid waste disposal facility. Therefore, you must remove and properly dispose of all solid wastes (ash, partially burnt CDD, etc) at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA within 15 days receipt of this letter.

2. **OAC 3745-37-01(A)** states in part, *"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of*

the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district."

Ohio EPA observed several piles containing a mixture of CDD, including what appeared could be clean hard fill, and solid waste that was generated from the demolition of structures in Ashtabula City (City). However, you do not have a permit and license to operate a solid waste transfer facility. Therefore, you must remove and properly dispose of the waste at an appropriate CDD and/or solid waste disposal facility.

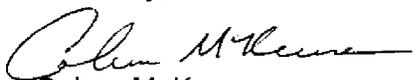
3. **ORC 3734.03** states in part, "No person shall dispose of solid wastes by open burning or open dumping except as authorized by the director of environmental protection . . ."

There was an open burning area on site and burnt tree limbs, cut shrubs, and scrap wood and ash was observed. To achieve compliance, you must immediately cease all open burning and dispose of remains as solid waste. Please provide Ohio EPA documentation of proper disposal within 15 days of receipt of this letter.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release Empire, Upon This Rock Inc. and others from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remediating conditions resulting from any release of contaminants to the environment.

Please provide a written response to the above violations within 15 days of receipt of this letter. Include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1268.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Ray Saporito, Ashtabula County Health Department
Terri Collett, Ashtabula City Health Department
Jason Strong, City of Ashtabula, City Housing and Community Development
File: [Sowers/COUN/Ashtabula/GEN/04]

3268

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Sent To Ron Janson
 Street, Apt. No., or PO Box No.
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PS Form 3800, August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
Ron Janson
435 Lower Cork Lane
Geneva, OH 44041

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A. Signature [Signature] Agent Addressee

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