OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 **FAX:** (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

June 12, 2009

RE: 3842 LAKE ROAD
NOTICE OF VIOLATION

CERTIFIED MAIL

William Kaydo
3851 E. Center Street
Conneaut, OH 44030

Topsail Properties, Inc.
3842 Lake Avenue
Ashtabula, Ohio 44004

Dear Owner(s):

On April 14, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of the property located at 3842 Lake Road, Ashtabula, Ohio. I, representing Division of Solid and Infectious Waste Management (DSIWM), conducted an inspection of the property. The purpose of my inspection was to determine compliance with Ohio's solid waste and construction and demolition debris laws and regulations.

The following violations were observed at 3842 Lake Road property on April 14, 2009:

1. **OAC Rule 3745-400-04(B)** states that "*No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.*" For the purposes of this rule, **OAC 3745-400-01(F)** defines "*construction and demolition debris*", in part, as ". . . *materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure . . .* "

   The owner of this property is in violation of this rule due to illegal disposal of construction and demolition debris (CDD), such as asphalt shingles, dimensional lumber, slate, plywood, brick, block, carpet padding, fences, packaging material, insulation, and metal pieces, etc. The illegal disposal area is approximately 100 feet in diameter and approximately 100 feet in depth. The owner of this property is prohibited from accepting CDD and/or burial of CDD, and is responsible for cleanup and appropriate disposal of CDD at a licensed solid waste or CDD landfill.

2. **Ohio Revised Code Section 3734.02(C)** states, in part, that ". . . *no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility without submitting an application for a permit with accompanying detail plans,*

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specifications, and information regarding the facility and method of operation and receiving a permit issued by the director. . . ."

The owner of this property is in violation of this statute due to establishing a solid waste facility without obtaining a permit from Ohio EPA. The owner of this property is prohibited from accepting solid waste and/or burial of solid waste, and he is responsible for cleanup and appropriate disposal of plastic containers, two couches, tarps, scrap tires, bags of solid waste, pop bottles and cans, tree limbs, cardboard, and any other solid waste at an appropriate licensed solid waste disposal facility.

3. **ORC Section 3734.03** states, in part, *"No person shall dispose of solid wastes by open burning or open dumping. . . ."* In addition, **Ohio Administrative Code (OAC) Rule 3745-27-05(C)** states, in part, *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. Of the Revised Code, and shall submit verification that the solid waste has been properly managed."*

   The owner of this property is in violation of this statute and rules due to establishing a solid waste facility without obtaining a license and a permit from Ohio EPA. The owner of this property is prohibited from accepting solid waste and/or burial of solid waste, and he is responsible for cleanup and appropriate disposal of plastic containers, two couches, tarps, scrap tires, bags of solid waste, pop bottles and cans, tree limbs, cardboard, and any other solid waste at an appropriate licensed solid waste disposal facility.

4. **ORC Section 3734.05(A)(1)** states, in part, *". . . no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located. . . ."* In addition, **OAC Rule 3745-37-01(A)** states that *"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 operation 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."*

   The owner of this property is in violation of these rules due to accepting solid waste without obtaining a license from Ohio EPA. The owner of this property is prohibited from accepting solid waste and/or burial of solid waste, and he is responsible for

cleanup and appropriate disposal of plastic containers, two couches, tarps, scrap tires, bags of solid waste, pop bottles and cans, tree limbs, cardboard, and any other solid waste at an appropriate licensed solid waste disposal facility.

5. **ORC Section 3734.11(A)** states that "*No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.*"

   The owner of this property is in violation of this statute. As described above, the owner of this property is in violation of ORC Section 3734.02(C), ORC Section 3734.03, OAC Rule 3745-27-05(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A).

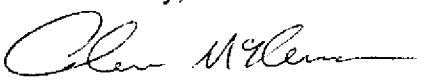
In addition, the owner of this property may be in violation of OAC 3745-1-04 for debris and leachate that enters the waters of the state. OAC Rule 3745-1-04 states that waters of the state must be *"Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance."*

Ohio EPA requests that you respond in writing to this notice of violation within thirty (30) days of receipt outlining your steps to return to compliance.

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 the owner from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code on under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (330) 963-1268.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Terri Collett, Ashtabula City Health Department
Virginia Wilson, DSW-NEDO
Robert D. Stell, Chief of Police, Ashtabula City PD
File: [Kurko/COUN/Ashtabula County/COR/04]

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3842 Lake Rd

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CM 6-12-09

Sent To: William Kaydo

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

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Sent To: Topsail Properties

Street, Apt. No.; or PO Box No.

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PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Kaydo
3851 E. Center Street
Conneaut, OH 44030

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name): Jan Kaydo
C. Date of Delivery: 6-15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
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☐ Insured Mail ☐ C.O.D.

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2. Article Number (Transfer from service label) 7008 3230 0003 5419 7143 CMckenna 6-12-09

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540