



**Environmental  
Protection Agency**

Robert R. Anderson, Governor  
Deborah S. S. Johnson, Lt. Governor  
John J. Kubiński, Director

July 23, 2010

**CERTIFIED MAIL**

Mike Stephens  
City of Massillon Service Garage  
401 Walnut Ave S.W.  
Massillon, OH 44647

**RE: CITY OF MASSILLON SERVICE GARAGE, STARK COUNTY  
NOTICE OF VIOLATION (NOV)**

Dear Mr. Stephens:

On July 15, 2010, I conducted an inspection of the City of Massillon Service Garage located at 401 Walnut Ave S.W. in Massillon. Accompanying me on the inspection was Lynn Sowers of the Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO). Mike Loudiana of the City of Massillon accompanied us during the inspection.

While inspecting the property surrounding the service garage it was determined that the property contained a pile of illegally deposited solid waste comprised of street sweepings and catch basin debris. Ohio Administrative Code (OAC) Chapter 3745-27-01 defines solid waste, in part, as *"unwanted residual solid or semisolid material, including but not limited to...street dirt and debris, as results from industrial, commercial, agricultural, and community operations..."*

The deposition of the street sweepings and catch basin debris on the property is a violation of the following:

**Ohio Revised Code (ORC) Section 3734.02(C)** states, in part, that *"...no person shall establish a new solid waste facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director...."*

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

**ORC Section 3734.05(A)(1)** states, in part, that *"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 or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."*

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**Ohio Administrative Code (OAC) Rule 3745-37-01(A)** states, in part, that "[n]o person shall conduct municipal solid waste landfill...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."

**OAC Rule 3745-27-05(C)**: states that "[n]o 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."

Please respond to the above violations in writing within 14 days of receipt of this letter. Your response should include a schedule showing when the solid waste will be properly removed and transported to a facility authorized to accept solid waste for disposal.

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 property owners, or 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me at (330) 963-1103 or e-mail me at [joshua.adams@epa.ohio.gov](mailto:joshua.adams@epa.ohio.gov).

Sincerely,



Joshua Adams  
Environmental Specialist  
Division of Solid and Infectious Waste Management

JA:cl

cc: Dan Bogoevski, DSW-NEDO  
Phil Rhodes, DSW-NEDO  
File: [Sowers/Coun/City of Massillon/Gen/76]

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