Ohio EPA
40 years and moving forward

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

January 23, 2013

RE: JANSON DUMP – SCHWEITZER ROAD NOTICE OF VIOLATION

Donald Janson
1540 Mechanicsville Road
Rock Creek, Ohio 44084

CERTIFIED MAIL 7012 1010 0002 2260 2639

Linda Janson
1540 Mechanicsville Road
Rock Creek, Ohio 44084

CERTIFIED MAIL 7012 1010 0002 2260 2721

Justin Janson
1540 Mechanicsville Road
Rock Creek, Ohio 44084

CERTIFIED MAIL 7012 1010 0002 2260 2738

Dear Mr. Janson and Ms. Janson:

On July 24, 2012, and August 3, 2012, the Ohio Environmental Protection Agency (Ohio EPA) inspected the properties located near 3904 Schweitzer Road, Rock Creek, Ohio 44084, in Ashtabula County. The inspections were in response to a complaint of open burning and open dumping of construction and demolition debris (C&DD). Rich Kolosionek and Chris Williams, representing Ohio EPA Division of Air Pollution Control, conducted the inspections. Upon completion of the July 24, 2012 inspection, identified the pile of burning C&DD. Following the July 24, 2012 inspection, the owners were told to cease the open burning and take the debris to the appropriate landfill. On August 3, 2012, Ohio EPA inspectors met Justin Janson at the site and the C&DD pile was gone. Ohio EPA requested copies of the disposal receipts and was told that the debris was scattered on the property and used as fill.

Therefore, the owner(s)/operator(s) are in violation of the following:

1. **OAC 3745-27-05(C)** states in part, *"No person shall conduct, permit, or allow open dumping."*

   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."*

> **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."*

The owner(s)/operator(s) failed to comply with the above-cited rules once the C&DD was scattered on the property and used as fill. Justin Janson, who admitted to burning the C&DD and spreading the debris afterwards, had been previously notified on April 1, 2010, regarding a parcel on Walter Main Road in Geneva that open burning is prohibited. On April 1, 2012, Ohio EPA also informed Justin Janson that burnt C&DD is defined as a solid waste and must be taken to a solid waste disposal facility. Therefore, the owner(s)/operator(s) are required to remove and properly dispose of all solid wastes (ash, burnt C&DD, etc.) at a licensed solid waste disposal facility, and provide copies of the disposal receipts to Ohio EPA.

The owner(s)/operator(s) must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner(s)/operator(s) are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to colum.mckenna@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner or operator is requested to submit written correspondence of the steps that will be taken by date certain to attain 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 or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1268, or by e-mail at colum.mckenna@epa.ohio.gov.

Sincerely,

Colum McKenna
Environmental Specialist
Division of Materials and Waste Management

CM/cl

cc: Rich Kolosionek, DAPC-NEDO
Chris Williams, DAPC-NEDO
Ray Saporito, Ashtabula County Health Department
File: [Singh/COUN/Ashtabula County/GEN/04]
DMWM #None