



East Palestine Norfolk Southern Train Derailment *Image courtesy of Ted Auch, FracTracker Alliance, 2023*

Where Do We Cross the Line: From Public Service to Public Threat

By Karen Johnson

For over 70 years, Ross Incineration Services' Hazardous Waste Incinerator and Storage Facility operated under the radar for much of our community in Eaton Township, Ohio. But when states such as Michigan, Texas, and Oklahoma refused to accept the hazardous waste from the train derailment in East Palestine (EP) and we discovered that it was destined for Eaton Township, it created an awakening within our community to the risk that we incur on a daily basis from hazardous waste being [sent here from 21 states](#).¹

As serendipity would have it, during that same timeframe, Ross was in the process of applying for a 218 acre zoning change to increase their heavy industrial footprint. They plan to create a monofill to dump their hazardous waste ash. This zoning change may have slipped past us had Ross not been in the national news for receiving the waste. However, after several well attended, heated public hearings, the Eaton Township trustees approved a reduced amount of 65 acres to be rezoned to heavy industrial zoning by a 2-1 vote on October 4, 2023. The trustees deferred to the EPA to protect the health, safety and welfare of the residents. Our community immediately banded together and filed a petition against their decision.

As a result, Issue 19 will go before the Eaton Township, Ohio, electors on the March 19, 2024, Ohio primary election to ultimately decide whether or not the 65 acres will be rezoned to heavy industrial zoning. But it's only through an exhaustive fight by residents that we have this chance of holding them back. As Ross continues to find new ways to expand within our primarily residential and agricultural community, we have to ask: Is the EPA and local government doing enough to protect the residents? Are human and environmental safety being kept at a high enough priority?

¹ [Ross Transportation Services, Inc.. RossEnvironmental.com](https://www.rossenvironmental.com)

According to local legend, Robert Ross began burning agricultural waste in 1949 as a means of disposal rather than dumping. Mr. Ross drove around in his truck and picked up barrels of waste from local farmers and businesses. Locals attended “parties” on his farm where they would watch the barrels jump and see the different colors the waste would create when it was burned. This open burning [occurred between 1949 and 1966](#).² Ross also dumped non-burnable waste into impoundments and a landfill.

In 1971, residents' complaints culminated with the formation of the North Eaton Anti-Pollution League that sued Ross, the Prosecutor's Office, the Health Department and the Trustees for allowing Ross to operate its unpermitted incinerator, landfill and impoundments on land zoned residential. The result of that lawsuit and its subsequent [Appeal by the Ninth District Court of Appeals Jan. 10, 1973 Case No. 2058](#)³ placed a permanent injunction on the landfill and impoundments, i.e. the dumping of non-burnable liquid and solid waste.

However, the lawsuit actually did a disservice to the residents by allowing the continued operation of the incinerator since the non-conforming use began prior to the zoning code on November 7, 1950. What this means is that the open burning of industrial waste in a pit on a farmer's field prior to 1950 laid the groundwork for allowing a hazardous waste incinerator to operate in a residential/agricultural community even while ignoring the [requirement for a permit and zoning code change by the Trustees in the 60s](#).⁴ But while the Appeal allowed the incinerator to operate, it also was limited to the present volume⁵ of that disposal, preventing an expansion.

Yet the very next year, in 1974, Ross began digging [eight new impoundments](#)⁶ to install an open-loop incinerator which was permitted by the EPA who was in full awareness of the injunction against impoundments and yet still [allowed them to be dug](#).⁷ Those impoundments allowed the dumping of scrubber water for cooling, fly ash settling and sludge storage and were [used until 1986](#)⁸ when a closed-loop incinerator was installed, ending the usefulness of the impoundments.

This dumping of hazardous waste into those impoundments coincided with the timing of the 1979 documentary “[The Killing Ground](#)”⁹ by Brit Hume. It revealed the dumping of hazardous waste onto the land and the resulting toxic exposures to residents in communities across the US

² [Ross RCRA Permit Application, eDocPub.EPA.Ohio.gov, August 1, 2023](#), pg. A-27

³ [Lorain County Law Library, Appeal by the Ninth District Court of Appeals, Case No. 2058, Jan. 10, 1973](#)

⁴ [Eaton Township Trustee Minutes, Robert Ross informed that zoning change and permit needed for incinerator, June 7, 1960](#)

⁵ [Lorain County Law Library, Appeal by the Ninth District Court of Appeals, Case No. 2058, Jan. 10, 1973](#)

⁶ [OEPA, 1997 Closure SWI 1 or 3.4.5 Correspondence, p. 4, In 1974 Ross began digging 8 new impoundments](#)

⁷ [Ira L. Whitman, Dir. OEPA to Mr. Larry E. Coey, atty on behalf of John Mack, Eaton Twp Trustee, Effective Date July 15, 1974](#)

⁸ [OEPA, 1997 Closure SWI 1 or 3.4.5 Correspondence, p. 4, In 1974 Ross began digging 8 new impoundments](#)

⁹ [Priestley, Tom; Singer, Steve, The Killing Ground, Brit Hume, 1979,](#)

while the EPA failed to do its job. Although that film was primarily focused on the Love Canal in New York state, at the end they listed the most unhealthy places in the country and Grafton, Ohio, was included in that list. Ross' address is Grafton, Ohio, because Eaton Township doesn't have a post office. The fallout from the open-loop incinerator's impoundments was eventually revealed through our research in a US EPA report titled Documentation of Environmental Indicator Determination, [RCRA Corrective Action: Current Human Exposures Under Control](#).¹⁰ This was a shocking revelation since no one had informed the residents that human exposures were ever out of control! Why wasn't the public notified?

This report from February 5, 1999, reveals extensive contamination of groundwater, surface water, surface soil, subsoil and sediment as a result of that EPA-permitted open-loop incinerator operation. A horrifying number of toxic chemicals were listed including PCBs, phthalates, heavy metals, trichloroethylene, and benzene. There were too many chemicals found in the test borings to list in the report. Residents were potential human receptors from contaminated groundwater and surface water. Workers were potentially exposed from soil, surface water and air while contamination may have affected surrounding food crops. Residents may have been potentially exposed to offsite migration of contaminated groundwater to the west of the facility with no controls in place to prevent off-site residential use of groundwater. Ross apparently worked to clean up the impoundments but their hazardous waste incineration operation has left their land unusable for residential living. There is an [Environmental Covenant](#)¹¹ with the EPA on that parcel of land restricting its use, including the use of groundwater for human consumption. That land is damaged forever. And now they want to damage more land forever by using 23 acres to dump their incinerator bottom ash and filter cake.

In addition, Ross owns land in Eaton Township under many different company names which we believe to total to over 1500 acres. Most of that land has deed restrictions forbidding it to be used in a way similar to the Environmental Covenant restrictions. On most of the deed restrictions the only allowed use is industrial or agricultural use. In fact the parcels on which the Pine Brook Golf Course sits, [Invisible Properties](#),¹² restricts that land to be used as a golf course although they have appeared to have exempted the current one. The violation of a deed restriction "shall be deemed to cause irreparable harm and there shall be deemed to be no adequate remedy at law." What would be the purpose for these deed restrictions other than to protect Ross from liability in the event of a future hazardous waste disaster or for something that they may already be aware of that happened in the past such as the industrial waste fire that destroyed the facility in 1975? Or is it their concern over the accumulation on the land from their chronic emissions? Whatever the reason, some deed restrictions are considered illegal, [including those that violate zoning laws](#).¹³

¹⁰ ["Current Human Exposures Under Control," US EPA, 2/5/99](#)

¹¹ [RIS Environmental Covenant with OEPA 10/7/19](#)

¹² [Invisible Properties Deed Restrictions](#)

¹³ [Jennifer Corbett, "Deed Restriction Laws," LegalMatch.com, updated Dec. 13, 2021](#)

Another route for pollution from the incinerator is emissions into the air. The EPA's Toxic Release Inventory site shows [Ross' air emissions](#)¹⁴. They are "permitted" to pollute into the national airspace. For example, in 2022 Ross emitted 38 lb of mercury compounds into the national air space. That is within their legal limit—but it doesn't mean that it's healthy. The [lethal dose of methyl mercury](#) is 200 mg.¹⁵ Mercury is toxic in milligram amounts and a pound consists of 453,592.37 milligrams. Mercury, being a heavy metal, persists in the environment and bioaccumulates in wildlife and humans. It's important to note that one third of our population is missing this essential GSTM1 gene which is involved in the function of glutathione, our master antioxidant in our bodies. That [missing gene compromises heavy metal and chemical detoxification functions](#). Dr. Mark Hyman, Head of Strategy and Innovation at the Cleveland Clinic Center for Functional Medicine, has noticed it missing in most of his chronically ill patients.¹⁶ I, myself, am missing that gene and have struggled with heavy metal toxicity and allergy, chemical sensitivities, and chronic health issues throughout my entire life. I have paid out of pocket for most of my health care at a significant expense from alternative health care providers, the only resources that I could find that understands detoxification.

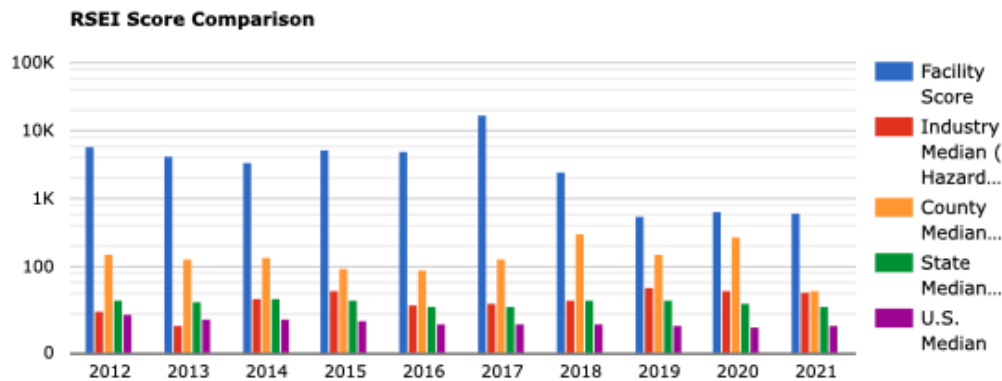
Another useful tool for which we can evaluate the risk inherent in Ross' operation is also provided by the EPA. It involves assigning [Risk-Screening Environmental Indicators](#)¹⁷ (RSEI) as a screening-level model that analyzes factors that contribute to human health risk. These factors include the amount of chemical released, the degree of toxicity, and the size of the exposed population. RSEI calculates scores to highlight releases that would potentially pose greater risk over a lifetime of exposure. These numbers are considered comparable and not absolute.

¹⁴ [Ross' 2022 Air Emissions TRI National Report, enviro.epa.gov](#)

¹⁵ ["Mercury \(organo\) alkyl compounds \(as Hg\) Mercury, Human Data," CDC:NIOSH, May 1994](#)

¹⁶ [Dr. Mark Hyman, "Essential Glutathione: The Mother of All Antioxidants," Missing GSTM1 gene in one third of population, DrHyman.com](#)

¹⁷ [RSEI Score, edap.epa.gov, Jan 2024](#)



Year	Facility Score	Industry Median (Hazardous Waste Treatment and Disposal)	County Median (LORAIN)	State Median (OH)	U.S. Median
2012	5,846	22	153	32	20
2013	4,190	14	129	31	17
2014	3,452	34	138	34	17
2015	5,331	44	94	32	16
2016	5,114	28	90	27	15
2017	16,692	30	130	27	15
2018	2,558	32	304	32	15
2019	549	51	158	33	14
2020	646	45	277	29	13
2021	623	42	45	26	14

Ross Incineration Facility RSEI Score

Ross' facility's RSEI score comparison in blue shows that their facility's emissions are well above the median hazardous waste disposal score. These numbers indicate the relative, elevated risk to our health including cancer as a result of living within the community where Ross operates compared to other locations.

Considering their history of violations and reports such as the US EPA Human Exposures Under Control, I don't believe that adequately weighted studies have been performed as to the health consequences as a result of the activities at Ross Incineration. Incineration releases both toxic gasses as well as particulates into the air. Not only should cancers be studied, but heart disease, respiratory illnesses, allergies and even dementia should be studied. On the EPA site there is a [map that shows the Toxic Releases into the air to be in the red zone at 83%](#) in the area within one mile of the Ross Incinerator.¹⁸ High particulate matter 2.5 pollution is at 70%. High particulate pollution is associated with [increased heart disease, allergies, respiratory illnesses](#)¹⁹ and [dementia](#).²⁰ And both the air pollution and exposure to chemicals has been shown to [increase risk of Covid mortality](#).²¹

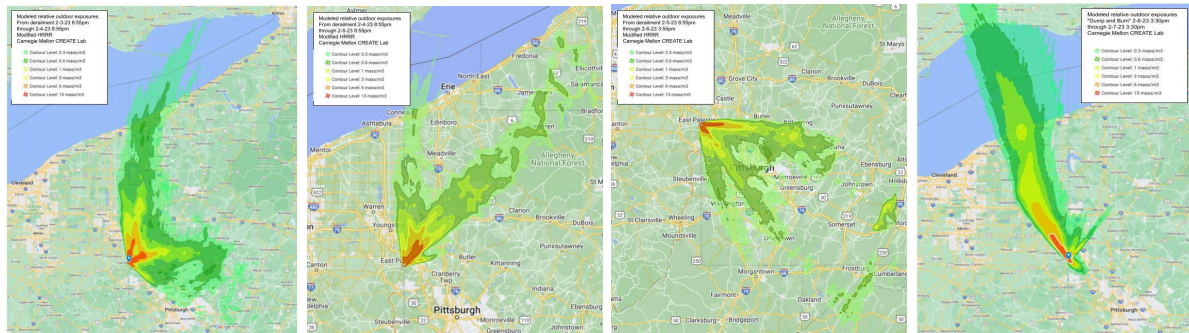
¹⁸ [Ross Detailed Facility Report Environmental Justice--scroll to bottom of page, echo.epa.gov](#)

¹⁹ ["Health and Environmental Effects of Particulate Matter\(PM\)," EPA.gov, Aug. 23,2023](#)

²⁰ ["Air Pollution Linked to Dementia Cases," NIH.gov, Sept. 5, 2023](#)

²¹ [Sharon Lerner, "Scientists Pin Blame for Some Corona Virus Deaths on Air Pollution, PFAs and other Chemicals," TheIntercept.com, June 26, 2020.](#)

Not only is there risk when Ross is operating under optimal conditions, but they have also had a number of violations over the years. For example in [2006 they were fined \\$400,000 for being in violation](#) of the dioxin/furan emissions standard for 89 days, CO emissions standard on 126 days between 2004-2007, and 700 exceedances of Ross' operating parameters.²² Ross also has a permit to drain into Dawley Ditch during extreme weather events which they recently were [ordered to remediate in 2021](#).²³ Chemicals such as dioxins, PCBs and heavy metals were found in the ditch which drains into Willow Creek which eventually drains into Lake Erie. Other violations include a \$95,000 penalty for [violating leak requirements for benzene tanks](#),²⁴ and dioxins and even [DDT was found in their "freshwater" lake](#),²⁵ red flagging serious concerns to residents. Yet Ross' remedial actions typically do not restore the environment that was affected to its prior undamaged condition. The remediation of Dawley Ditch removed 90% of the contaminants. And the remediation is limited to the environment while public notification and human health testing and remediation has been non-existent. There is no place to report if you are feeling unwell when you believe that you may have been exposed.



East Palestine Fire Plume(Vinyl Chloride Vent and Burn) and Smoke Plume Modeling in the Days following the burn by the Carnegie Mellon CREATE Lab

The above photos show the fire and smoke plumes from the East Palestine vinyl chloride burn as done through modeling by the Carnegie Mellon CREATE Lab. How much more of the population and land was affected by the toxic plume than we have acknowledged? The East Palestine(EP) residents that I have been in contact with have told me that they have suffered greatly because the health response for their chemical exposure was severely lacking. Urine and blood samples were not collected in a timely manner, losing the critical window for detection before chemicals became sequestered in their tissues. They relayed that more chemicals are created from burning them thus the exposure is to more chemicals than to what is known. Months after the derailment and burn, the CDC came in to speak with the EP community. Upon asking how they could get the chemicals out of their bodies, they proceeded to tell them, "Look we know you have been exposed. We don't know how to get those chemicals out of your body, but we do know how to treat [the cancers that may come later](#)."²⁶ Lisa Cochran from the OEPA

²² [Civil Enforcement Case 05-2010-3908 Dioxin/Furan and CO Emissions. echo.epa.gov](#)

²³ [Dawley Ditch Remediation. edocpub.epa.ohio.gov](#)

²⁴ [Civil Enforcement Case 05-2022-5041 Benzene Tanks Violations. echo.epa.gov](#)

²⁵ [Ross' Waterfowl Deterrent Corrective Measures for Freshwater Lake. edocpub.epa.ohio.gov](#)

²⁶ [Message from East Palestine](#)

confirmed with me that human remediation is not part of the EPA process, but they communicate with the Health Department. However, when questioning potential health consequences from the dioxin violations from 2006, an Eaton Township property owner who is a registered nurse and disabled combat vet as a result of chemical exposures was told by our local Lorain County Health Department that what goes on at Ross is not part of their jurisdiction.

As a society what are we doing? How did we get to the point that the biggest mainstream news conversation is the argument over global warming implicating carbon dioxide emissions for which battery powered vehicles will save us, while we ignore the fact that we are compromising our health and that of our planet with our never ending creation and use of hazardous and forever chemicals for which there is “no adequate remedy at law.” And as of January 2023, there is a new law that gives Ohio commercial incinerators a chance to expand for the first time in 30 years. Discussions about potential construction have started, said Pat Lawson, vice president of corporate compliance and risk management. Although they have no immediate plans, [expansion seems inevitable](#).²⁷ For those communities who are unlucky enough to have a chemical disaster such as East Palestine or co-exist with the disposal of society’s hazardous waste such as our own hazardous waste incineration and storage facility, the real questions are:

- Why can’t the EPA truly protect the environment and keep us safe?
- Why doesn’t our medical system test us for chemical accumulation and make it a priority to understand how to detoxify those toxins since our government is allowing us to be exposed?
- Are we ALL at risk of becoming the next sacrifice zone?

Call to Action

1. Please follow our Facebook Group [Stop Toxic Threat](#)
2. Share and Donate to our [GiveSendGo](#) to support our referendum campaign to get the word out to VOTE NO on the Ohio March 19, 2024 Issue 19 for Eaton Township
3. Reduce your waste footprint



Karen Johnson is an Industrial Engineer and member of the Stop Toxic Threat Subcommittee of Citizens for Better Lorain County Government PAC. She is also a Licensed Massage Therapist, Certified Holistic Health Coach, and a volunteer advocate for Americans for Homeopathy Choice Action. Karen lives in Grafton, Ohio.

²⁷ [Jason Hawk, "Ross Eyes Options for Hazardous Waste Under New Ohio Law." Medina-Gazette.com, Jan. 11, 2023.](#)

