



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 Korieski, Director

January 12, 2010

RE: **CONSENT AGREEMENT
NOTICE OF VIOLATION**

CERTIFIED MAIL

Larry E. Hardesty
President
Summit Transfer & Recycling, Inc.
P.O. Box 26036
Akron, Ohio 44319

Larry E. Hardesty
284 East Baird Avenue
Barberton, Ohio 44203

Dear Mr. Hardesty:

This letter provides a notice of violation regarding compliance with the consent agreement dated September 21, 2009.

This letter also provides a response to your letter dated December 7, 2009. Ohio EPA responded to your letter earlier, however, Ohio EPA's letter dated December 11, 2009, was returned and stamped "refused." A copy of Ohio EPA's original letter dated December 11, 2009 is attached.

The consent agreement is regarding the cleanup of construction and demolition debris (CDD) and solid waste from the Summit Transfer & Recycling, Inc. (STRI) property located at 1830 Firestone Parkway Extension, Akron. The property contains approximately 80,000 cubic yards of CDD. Approximately half of the CDD is shredded. In addition, there are approximately 10,000 railroad ties on site.

VIOLATION

You are in violation of Paragraph 22 of the consent agreement that requires you to provide documentation of proof of removal of at least 2,000 cubic yards of debris. Ohio Environmental Protection Agency (Ohio EPA) and Akron Health Department did not receive the required removal documentation by December 15, 2009, the first waste removal deadline.

Waste removal documentation is due by the 15th of each month, with the first removal documentation being due on December 15, 2009. A copy of Paragraph 22 of the consent agreement is attached for your convenience.

POTENTIAL RECYCLING

Your December 7, 2009 letter sought approval from Ohio EPA regarding the potential of taking debris from STRI to any of the recycling businesses on the enclosed list instead of disposing the debris at a licensed disposal facility. The list of businesses includes 68 scrap metal recyclers, 62 wood recyclers

Larry E. Hardesty
Summit Transfer & Recycling, Inc.
January 12, 2010
Page 2

and 9 asphalt recyclers. The businesses are located in various Ohio cities including Toledo, Sandusky, Zanesville and Cincinnati.

Ohio EPA appreciates your interest in recycling the debris. Ohio EPA reviewed your list of recyclers to determine the legitimacy of the recycling businesses. Ohio EPA was not able to verify all of the businesses. Attached is a copy of the list of recyclers from your December 7, 2009 list. You may deliver debris to any recycling businesses on the attached list that are not highlighted or starred. Do not deliver debris to a business name that is highlighted because Ohio EPA could not verify the highlighted businesses. A business name that has a star denotes that Ohio EPA could not verify the business address; therefore, additional proof of location is needed to use a starred business.

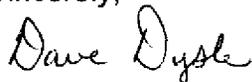
In the mean time, if you have any immediate needs regarding a recycler that is not on Ohio EPA's list of approved recyclers, please send Ohio EPA an acceptance letter from the specific recycling business(s).

Ohio EPA emphasizes that your efforts to find a recycling business that will accept the debris does not change the debris removal deadlines contained in the consent agreement.

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 STRI 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 remedying conditions resulting from any release of contaminants to the environment.

Please respond to the above violation within seven days of receipt of this letter. While Ohio EPA encourages recycling activities, the recycling activities should not harm the environment. If you should have any questions regarding this letter, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

att: Consent agreement dated 9-21-09, paragraph 22
Letter dated 12-11-09
Recycler list reviewed by Ohio EPA

cc: Jeff Hurdley, DSIWM-Legal, CO
Barry Chapman, DSIWM, CO
Nicholas Bryan, AGO
Frank Markunas, Akron Regional Air Quality Mgt. District
Frank Reed, Benesch Friedlander Coplan & Aronoff LLP
File: [Sowers/COUN/STRI/COR/77]

Bill Zawiski, DSW, NEDO
Bill Fischbein, DSW-Legal, CO
Julie Brown, Akron Health Department

Consent agreement dated September 21, 2009
Paragraph 22 states:

“Beginning on the last day of the first calendar month after of this Consent Order, and continuing every calendar month thereafter until the removal is complete, Defendants shall have removed, by the last day of each calendar month, a cumulative amount of materials, debris, and/or waste equal to or greater than 2000 cubic yards times the number of calendar months since the date of entry of this Consent Order (for example a total of 2000 cubic yards removed after the first month, 4000 cubic yards removed after the second month, etc.). By the fifteenth day of each month, Defendants shall provide a report of proof of the removal, for the previous calendar month, to Ohio EPA and City of Akron Health Department, including, but not limited to, removal and/or disposal receipts from the removal/disposal site(s).

- a. All material, debris, and waste removed from the Site shall be disposed of at either a licensed Solid Waste Landfill or a licensed Construction and Demolition Debris landfill depending on whether the material, debris, and waste has been pulverized or shredded beyond the point of recognition as construction and demolition debris unless each of the following conditions is satisfied:
 - i. Defendants provide a written request to Ohio EPA prior to removing the materials, debris, and waste from the Site;
 - ii. Ohio EPA approves the alternative disposal or use of the materials, debris, and waste; such approval not to be unreasonably withheld;
 - iii. Receipts are provided to Ohio EPA of a sale price of the material as well as the amount of materials purchased; and
 - iv. Any proceeds or payment for the materials, debris, and waste are immediately used for further removal at the Site or paid to Ohio EPA as an additional civil penalty.”