



**Environmental
Protection Agency**

Gov. Ed. Brown, Governor
Jane R. Holcomb, Lt. Governor
Chris Krasinski, Director

June 2, 2010

RE: NOTICE OF VIOLATION

CERTIFIED MAIL

Larry E. Hardesty
284 East Baird Avenue
Barberton, Ohio 44203-3218

Law, Ltd.
284 East Baird Avenue
Barberton, Ohio 44203-3218

Summit Transfer & Recycling, Inc.
P.O. Box 26036
Akron, Ohio 44319

Dear Sirs:

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

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 to provide documentation of removal of at least 2,000 cubic yards of debris per month starting with December 2009. The proof of debris removal documentation is required to be submitted to Ohio Environmental Protection Agency (Ohio EPA) and Akron Health Department by the 15th of each month starting with November 15, 2009. So far, you have missed the November 15 and December 15, 2009 deadlines; and the January 15, February 15, March 15, April 15 and May 15, 2010 deadlines. A copy of Paragraph 22 is attached for your convenience.

As of June 1, 2010, you owe the following stipulated penalties:

Failure to remove 2,000 cubic yards of CDD by Oct. 31, 2009 (at \$10 per yard)	\$20,000
Failure to remove 4,000 cubic yards of CDD by Nov. 30, 2009	\$40,000
Failure to remove 6,000 cubic yards of CDD by Dec. 31, 2009	\$60,000

Larry E. Hardesty
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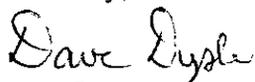
Failure to remove 8,000 cubic yards of CDD by Jan. 31, 2010	\$80,000
Failure to remove 10,000 cubic yards of CDD by Feb. 28, 2010	\$100,000
Failure to remove 12,000 cubic yards of CDD by March 31, 2010	\$120,000
Failure to remove 14,000 cubic yards of CDD by April 30, 2010	\$140,000
Failure to remove 16,000 cubic yards of CDD by May 31, 2010	\$160,000
Failure to submit October 2009 report by Nov. 15, 2009	\$1,000
Failure to submit November 2009 report by Dec. 15, 2009	\$1,000
Failure to submit December 2009 report by Jan. 15, 2010	\$1,000
Failure to submit January 2010 report by Feb. 15, 2010	\$1,000
Failure to submit February 2010 report by March 15, 2010	\$1,000
Failure to submit March 2010 report by April 15, 2010	\$1,000
Failure to submit April 2010 report by May 15, 2010	\$1,000
Total (as of June 1, 2010)	\$727,000

You are still required to submit debris removal documentation for the subsequent monthly deadlines until all debris is removed from 1830 Firestone Parkway Extension, Akron.

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 14 days of receipt of this letter. 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

cc: Barry Chapman, DSIWM, CO Jeff Hurdley, DSIWM-Legal, CO
Bill Zawiski, DSW, NEDO Bill Fischbein, DSW-Legal, CO
Nicholas Bryan, AGO Julie Brown, Akron Health Department
Frank Markunas, Akron Regional Air Quality Mgt. District
File: [Sowers/COUN/STRI/COR/77]

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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.”

**Environmental
Protection Agency**

John F. B. ... , Governor
... , Lt. Governor
... , Director

October 15, 2010

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I inspected STRI on October 12, 2010. Jarnal Singh, DSIWM NEDO, accompanied me during the inspection. There did not appear to be any recent debris removal activities. Weeds and small trees are growing in the CDD piles.

VIOLATION

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October 15, 2010
Page 2

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Failure to remove 14,000 cubic yards of CDD by April 30, 2010	\$140,000
Failure to remove 16,000 cubic yards of CDD by May 31, 2010	\$160,000
Failure to remove 18,000 cubic yards of CDD by June 30, 2010	\$180,000
Failure to remove 20,000 cubic yards of CDD by July 31, 2010	\$200,000
Failure to remove 22,000 cubic yards of CDD by August 31, 2010	\$220,000
Failure to remove 24,000 cubic yards of CDD by September 30, 2010	\$240,000
Failure to submit October 2009 report by November 15, 2009	\$1,000
Failure to submit November 2009 report by December 15, 2009	\$1,000
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Failure to submit January 2010 report by February 15, 2010	\$1,000
Failure to submit February 2010 report by March 15, 2010	\$1,000
Failure to submit March 2010 report by April 15, 2010	\$1,000
Failure to submit April 2010 report by May 15, 2010	\$1,000
Failure to submit May 2010 report by June 15, 2010	\$1,000
Failure to submit June 2010 report by July 15, 2010	\$1,000
Failure to submit July 2010 report by August 15, 2010	\$1,000
Failure to submit August 2010 report by September 15, 2010	\$1,000
Total (as of October 1, 2010)	\$1,371,000

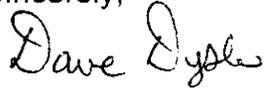
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Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

Attachment: Consent agreement dated Sept. 21, 2009, paragraph 22

cc: Allison Giancola, DSIWM, NEDO
Barry Chapman, DSIWM, CO
Bill Zawiski, DSW, NEDO
Nicholas Bryan, AGO
Frank Markunas, Akron Regional Air Quality Mgt. District
Julie Brown, Akron Health Dept.
File: [Sowers/COUN/STRI/COR/77]