



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 Korleski, Director

March 11, 2010

RE: 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.

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 December 15, 2009. So far, you have missed the December 15, 2009, and January 15 and February 15, 2010 deadlines. A copy of Paragraph 22 is enclosed for your convenience.

As of now, you owe the following stipulated penalties:

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|--|-----------|
| Failure to remove 2,000 cubic yards of CDD (at \$10 per yard) by Oct. 31, 2009 | \$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 |
| 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 submit October 2009 report by Nov. 15, 2009 | \$1,000 |

Larry E. Hardesty, President
Summit Transfer & Recycling, Inc.
March 11, 2010
Page 2

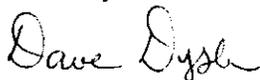
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|---|-----------|
| Failure to submit November 2009 report by Dec. 15, 2009 | \$1,000 |
| Failure to submit December 2009 report by Jan. 15, 2010 | \$1,000 |
| Failure to submit January 2010 report by Feb. 15, 2009 | \$1,000 |
| Total (to date) | \$304,000 |

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
Enclosure

cc: Barry Chapman, DSIWM, CO
Bill Zawiski, DSW, NEDO
Jeff Hurdley, DSIWM-Legal, CO
Bill Fischbein, DSW-Legal, CO
Nicholas Bryan, AGO
Frank Markunas, Akron Regional Air Quality Mgt. District
Julie Brown, Akron Health Department
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