

April 13, 2009

Certified Mail: 70072560000132004191

Mr. Ronald R. Anderson  
Universal Development  
1607 Motor Inn Drive, Suite One  
Girard, Ohio 44420

Re: Notice of Violation (NOV)  
Lot No. 2, Plat No. 1 Replat, Clarkins Drive, Austintown Township  
Truck Parking

Dear Mr. Anderson:

On April 6, 2009 the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint from the Austintown Zoning Office concerning a severe dust problem caused by semi-truck traffic using the above referenced lot on Clarkins Dr. On April 9, 2009 this writer completed an investigation at the above referenced address. Severe dust conditions, dragout onto Clarkins Dr., and dust clouds generated by traffic were observed at this time. It was determined at the time of inspection that dust is creating a nuisance to the surrounding community and corrective action must be taken to control the dust immediately.

Ohio Administrative Code 3745-15-07(A) states that "the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

Upon review of our records, there have been approximately fifteen formal complaints filed since 2006 regarding dust issues at this location. There have also been numerous complaints filed with the Austintown Township Trustees and Austintown Zoning Department. A meeting has been requested by Darren Crivelli, Zoning Inspector, Austintown Twp. with this agency, yourself, and a representative from All Star Hotels, Inc. to discuss a final resolution to this

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nuisance condition. Please be advised that this meeting does not relieve you of complying with the below requirements requested by this agency.

Therefore, within 14 days of receiving this letter, please provide a written response to this Notice of Violation (NOV) that includes a compliance plan and a compliance schedule that describes what measures will be taken to correct this NOV and the timeframe in which they will be completed. Any actions taken to control dust (i.e. paving, application of dust suppressant, monitoring of vehicles, or restricting access) must be clearly documented and demonstrated to this agency in the form of a written letter(s). All documentation must be received within 14 days upon receipt of this letter to prevent further action.

Be advised that this warning letter does not constitute a waiver of MTAPCA's ability to pursue further enforcement action through Ohio EPA concerning this or any other violations or to seek penalties as provided in Ohio Revised Code Chapter 3704.

If you have any questions regarding this letter or the regulations, please contact me at (330) 743-3333 extension 283.

Sincerely,

Tara Cioffi  
Registered Sanitarian

cc: Ronakhumar Patel, Comfort Inn & Suites  
Darren Crivelli, Austintown Zoning Office  
Lisa Oles, Austintown Township Trustees  
File