



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Hardy, Director

November 25, 2011

RE: Summit County
Coventry Township
State Street Tire/Shipping World
1262/1252 Robinson Avenue
SE Corner of Robinson Ave & State Road

Notice of Violation

CERTIFIED MAIL

JPD Properties LLC
Mr. Joe Derosa, Owner
1550 Lancaster Gate S. E.
Canton, OH 44709

Dear Mr. Derosa:

On September 22, 2011, this office conducted an operation and maintenance inspection at the wastewater treatment plant (WWTP) which serves the two buildings that house State Street Tire and Shipping World. During that inspection, the WWTP was not running. In a follow-up telephone call, you informed this office that the blowers had been repaired and that the aeration tank was now running. During the conversation, you suggested that you would rather upgrade your WWTP than connect to the Barberton owned sanitary sewer which is adjacent to 1262 Robinson Road.

On November 2, 2011, this office then spoke with Jim Stender, the Utilities Director for the City of Barberton. He informed this office that the city of Barberton is willing to allow you to connect the two buildings into the Barberton sanitary sewer without annexation. Also, it's understood that the tap-in-fee would be approximately \$1600, and that the construction cost of the connection was expected to be less than \$5000. On the other hand, upgrading your WWTP to include a dosing chamber, surface sand filters, aerated sludge holding and disinfection would most likely cost over \$30,000.

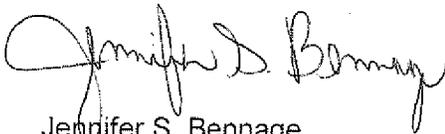
Yesterday, this office spoke with NEFCO concerning the Facilities Plan (201 Plan) for this area of Coventry Township. Unfortunately, it's been learned that, while the three corners in this area are located in the City of Barberton's Facilities Plan, your corner is located in the City of Akron's Facilities Plan. Therefore, according to the Akron Facilities Plan, your two properties are required to connect to sanitary sewers which proceed to Akron's POTW (Publicly Owned Treatment Works), rather than to sewers which proceed to Barberton's POTW. The Director of Ohio EPA cannot approve any permits which are in conflict with an existing Facilities Plan.

The Akron Facilities Plan reads, "Failing systems of existing commercial and institutional establishments, in need of repair or replacement, will be required to connect to the existing sanitary sewer that is served by an existing POTW, even if a sewer extension is required." Therefore, it appears that upgrading your failing WWTP is not an option. Your only option is to extend sanitary sewers to your site; thereby sending your sewage to the City of Akron's POTW.

JPD PROPERTIES LLC
MR. JOE DEROSA, OWNER
NOVEMBER 25, 2011
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If you wish to pursue the option of connecting to Barberton's sanitary sewers, it is suggested that you contact City of Akron and ask them to request an exemption to the current Akron Facilities Plan. By January 15, 2012, if this office does not receive written documentation from you concerning approvals to connect to either the Barberton POTW or the Akron POTW, this office will refer the matter to our legal for escalated enforcement action. Most likely, the enforcement action would consist of Director's Orders to connect to the Akron POTW along with a civil monetary penalty. If you have questions concerning this letter or would like to meet to discuss the situation, please contact this office at 330-963-1151.

Respectfully,



Jennifer S. Bennage
Environmental Engineer
Division of Surface Water

JSB/cs

Cc: Brent Paulus, Summit County Health Dept.
Jim Stender, City of Barberton Utilities Director
Dean Stoll, Enforcement Coordinator, Ohio EPA, DSW, NEDO
Rob Burkhard, City of Barberton WWTP
Joe Derosa, Owner
James Andrew Hewitt, City of Akron Utilities Bureau Manager
Eric Akin, NEFCO