



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

P.O. Box 1049  
Columbus, OH 43216-1049

September 27, 2007

OHR000 007 278

**Certified Mail**

Mo Osman  
President  
Summit Environmental Technologies, Inc.  
595 E. Tallmadge Avenue  
Akron, Ohio 44310

**RE: Proposed Director's Final Findings and Orders**

Dear Mr. Osman:

As you may be aware, Ohio EPA conducted an inspection of Summit Environmental Technologies, Inc.'s (Summit) facility located in Akron on November 17, 2006 and February 23, 2007. During these inspections and in subsequent correspondence, Ohio EPA explained to you that Summit had violated numerous regulations applicable to generators of hazardous waste and stored hazardous waste without a permit, in violation of Ohio Revised Code section 3734.02(E) and (F). These violations are serious and I have determined that an enforcement action with a civil penalty settlement is necessary.

In order to resolve this matter, I am proposing to issue the enclosed Director's Final Findings and Orders. The Director's Final Findings and Orders, as proposed, require the payment of a \$41,400.00 civil penalty settlement. Also enclosed is an information sheet which has been designed as an aid to help you understand the administrative enforcement process within Ohio EPA's Division of Hazardous Waste Management. The information sheet includes answers to questions commonly posed by persons involved in the administrative enforcement process. If you are willing to accept the Director's Final Findings and Orders, as written, please contact Todd Anderson of Ohio EPA's Legal Office at (614) 644-3037 within fourteen (14) days of your receipt of this letter.

A resolution through Director's Final Findings and Orders would avoid the time and expense associated with litigation upon referral of this matter to the Ohio Attorney General. If you are unwilling to accept the Director's Final Findings and Orders as written, I encourage you to pursue the possibilities of settlement through a settlement meeting or telephone conference. Prior to any settlement meeting or telephone conference, you should provide a written response to the proposed Director's Final Findings and Orders that clearly and directly explains your position regarding **Section IV., Findings** and **Section V., Orders**. It would be helpful if in the response, you presented the circumstances or arguments that you believe constitute grounds for defense, if any, and

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

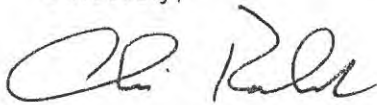
Mo Osman  
Summit Environmental Technologies, Inc.  
Proposed Director's Final Findings and Orders  
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the facts you believe should be considered by Ohio EPA in determining whether to mitigate the proposed civil penalty settlement. When preparing your written response, I ask that you do so in reference to the civil penalty summary sheet attached to the Director's Final Findings and Orders.

If you decline to enter into consensual Director's Final Findings and Orders or do not respond to this letter within the fourteen (14) day time frame, I will deem this offer withdrawn and I will consider other enforcement alternatives including referral of this matter to the Ohio Attorney General. Because this letter and the attached documents summarize a proposed settlement, I consider them inadmissible by Summit for any purpose in any enforcement action that the state may take against Summit should this offer be declined.

I hope that Summit and Ohio EPA are able to resolve this matter via the enclosed proposed Director's Final Findings and Orders, and I thank you in advance for your cooperation.

Sincerely,



Chris Korleski  
Director

cc: Michael Savage, Chief, DHWM  
Bill Skowronski, Chief, NEDO  
Todd Anderson, Legal

Enclosures

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Summit Environmental Technologies, Inc.**  
595 E. Tallmadge Avenue  
Akron, Ohio 44310

**Director's Final  
Findings and Orders**

**Respondent**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Summit Environmental Technologies, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent operates an environmental analytical laboratory located in Akron, Summit County (Facility). Respondent is an Ohio Corporation, licensed to do business in Ohio on August 4, 1994.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. The hazardous wastes generated by Respondent at the Facility include liquid lab wastes and sludges (D001, D002, D006, D007, D008, D018, D022, D039, F002 and F005) and spent solvents (D001, D022 and F002).
4. On November 17, 2006, Ohio EPA conducted a complaint investigation and compliance evaluation inspection at the Facility. As a result of these inspections, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;
  - b. Failed to list the necessary emergency information by the telephone, in violation of OAC rule 3745-52-34(D)(5)(b);
  - c. Failed to ensure that employees were familiar with proper waste handling and emergency procedures, in violation of OAC rule 3745-52-34(D)(5)(c);
  - d. Failed to have the necessary communication device for the hazardous waste accumulation area and failed to ensure employees had immediate access to this emergency communication device when handling hazardous waste, in violation of OAC rules 3745-65-32(B) and OAC rule 3745-65-34(A);
  - e. Failed to have the necessary spill equipment available for the hazardous waste accumulation area, in violation of OAC rules 3745-65-32(C);
  - f. Failed to conduct inspections of emergency equipment and weekly inspections of container accumulation areas, in violation of OAC rules 3745-65-33 and 3745-66-74;
  - g. Failed to keep satellite accumulation containers closed and labeled, in violation of OAC rules 3745-52-34(C)(1)(a) and (b);
  - h. Failed to label and date containers of hazardous waste, in violation of OAC rule 3745-52-34(D)(4) and OAC rules 3745-52-34(A)(2) and (3);

- i. Failed to maintain LDR notification forms on-site, in violation of OAC rule 3745-270-07(A)(8); and
  - j. Failed to properly label containers of used oil and clean up releases of used oil, in violation of OAC rule 3745-279-22(C) and (D).
5. By letter dated December 5, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders.
6. On January 4, 2007, Respondent submitted a response to Ohio EPA's December 5, 2006 letter.
7. By letter dated January 24, 2007, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.b., 4.c., 4.d., 4.e. and 4.g. of these Orders.
8. On February 13, 2007, Respondent submitted a response to Ohio EPA's January 24, 2007 letter.
9. On February 23, 2007, Ohio EPA conducted a follow-up inspection at the Facility and determined that during the months of December 2006, January 2007 and February 2007, Respondent was operating as a large quantity generator of hazardous waste. As a result of this follow-up inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;
  - b. Failed to label two containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(3). This violation was abated during the inspection;
  - c. Failed to date one container of hazardous waste, in violation of OAC rule 3745-52-34(A)(2);
  - d. Failed to have a personnel training program, in violation of OAC rule 3745-65-16;
  - e. Failed to have a contingency plan, in violation of OAC rule 3745-65-51, OAC rule 3745-65-52 and OAC rule 3745-65-53;
  - f. Stored incompatible wastes together, in violation of OAC rule 3745-66-77;

- g. Failed to submit an "Annual Hazardous Waste Report" for 2006, in violation of OAC rule 3745-52-41; and
  - h. Failed to label one 55-gallon drum of used oil, in violation of OAC rule 3745-279-22(D). This violation was abated during the inspection.
- 10. By letter dated March 9, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 9. of these Orders. In this same letter, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.f., 4.i. and 4.j. of these Orders.
- 11. On March 26, April 4, April 6, April 9 and April 10 2007, Respondent submitted responses to Ohio EPA's March 9, 2007 letter.
- 12. By letter dated April 20, 2007, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.h., 9.c., 9.e. and 9.f. of these Orders. In this same letter, Ohio notified Respondent that Respondent had unlawfully stored one 55-gallon container of hazardous waste on-site for greater than 90 days without a permit, in violation of ORC § 3734.02 (E) and (F). Ohio EPA also notified Respondent that due to the this unlawful storage of hazardous waste, Respondent was subject to all applicable general facility standards found in OAC chapters 3745-54 and 3745-55, including but not limited to, closure of the unpermitted hazardous waste storage unit in accordance with OAC rules 3745-55-11 through 3745-55-20 and the financial assurance requirements in OAC rules 3745-55-42 through 3745-55-51.
- 13. On May 3 and May 7, 2007, Respondent submitted responses to Ohio EPA's April 20, 2007 letter.
- 14. By letter dated May 11, 2007, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.a. and 9.a. of these Orders.
- 15. On May 24 and June 1, 2007, Respondent submitted responses to Ohio EPA's May 11, 2007 letter.
- 16. By letter dated June 4, 2007, Ohio EPA notified Respondent that Respondent had abated the violation referenced in Finding No. 9.d. of these Orders.
- 17. On July 31, 2007, Ohio EPA and Respondent had a conference call in which Ohio EPA indicated that further information was needed to abate the

violation referenced in Finding No. 9.g. of these Orders.

18. On August 27, 2007, Respondent submitted in revisions to the Annual Hazardous Waste Report referenced in Finding No. 9.g. of these Orders, therefore, the Director has determined that no further action is required to abate the violation referenced in Finding No. 9.g. of these Orders
19. The Director has determined that no further action is required at this time to abate the violation referenced in Finding No. 12. of these Orders since the unpermitted hazardous waste storage area is currently being used to store hazardous waste and no visible releases of waste were present at the time of the inspections.

#### **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall pay Ohio EPA the amount of \$41,400.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following provisions:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$33,000.00 in settlement of Ohio EPA's claims for civil penalties which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$33,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders.
  - b. In lieu of paying the remaining \$8,400.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$8,400.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$8,400.00. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check

shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

- c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.b. of these Orders, Respondent shall pay to Ohio EPA within 7 days of failing to comply with Order No. 1.b. the amount of \$8,400.00 in accordance with the procedures in Order No. 1.a.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V. of these Orders.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:



Ohio Environmental Protection Agency  
Northeast District Office  
Division of Hazardous Waste Management  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
50 West Town Street, Suite 700  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure as well as corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

## **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the rights to seek closure of the hazardous waste unit and corrective action at the Facility, which rights Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

## **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

\_\_\_\_\_  
Chris Korleski  
Director

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Summit Environmental Technologies, Inc.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

## Hazardous Waste Civil Penalty Sheet

Company Name: Summit Environmental Technologies, Inc.

Citation	Description	Potential For Harm	Extent Of Deviation	Gravity Penalty	Days of Violation	Multi-Day Penalty	Economic Benefit	Adjustments	Total Penalty
OC § 3734.02(E) (F)	Unlawfully stored one container of hazardous waste for greater than 90 days without a permit.	Moderate	Moderate	\$3,200	5	\$800 (4 days x \$200 per day)	NA		\$4,000
OC rule 3745-52-	Failed to properly evaluate containers of waste to determine if they are hazardous.	Major	Major	\$10,000	>1	NA	NA		\$10,000
OC rule 3745-52-)(5)(b), OAC 3745-52-)(5)(C), OAC 3745-65-32(B) OAC rule 3745-65-34(A)	Failed to list the necessary emergency information by the telephone, failed to ensure that employees were familiar with proper waste handling and emergency procedures, failed to have the necessary communication device for the hazardous waste accumulation area and failed to ensure employees had immediate access to this emergency communication device when handling hazardous waste.	Moderate	Major	\$4,400	1	NA	NA		\$4,400
OC rules 3745-52-)(4)(A)(2) and 3745-52-)(1)(a) and (b)	Failed to label and date containers of hazardous waste and failed to keep satellite accumulation containers closed and labeled.	Moderate	Major	\$4,400	>1	NA	NA		\$4,400

## Hazardous Waste Civil Penalty Sheet

Company Name: Summit Environmental Technologies, Inc.

Citation	Description	Potential For Harm	Extent Of Deviation	Gravity Penalty	Days of Violation	Multi-Day Penalty	Economic Benefit	Adjustments	Total Penalty
OAC rule 3745-65-07 and OAC 3745-65-32(C)	Failed to conduct inspections of emergency equipment and container accumulation areas and failed to have the necessary spill equipment available for the hazardous waste accumulation area.	Moderate	Major	\$4,400	>1	NA	NA		\$4,400
OAC rule 3745-07	Failed to comply with land disposal restriction regulations.	Minor	Moderate	\$600	>1	NA	NA		\$600
OAC rules 3745-22(C) and (D)	Failed to properly label containers of used oil and clean up releases of used oil.	Minor	Moderate	\$600	>1	NA	NA		\$600
OAC rule 3745-65-51, 52 and 53	Failed to have a personnel training program and contingency plan for December 2006 and January 2007 when operating as a LQG.	Moderate	Major	\$4,400	>1	NA	NA		\$4,400
OAC rule 3745-52-	Failed to submit an annual hazardous waste report for 2006 by March 1, 2007.	Minor	Moderate	\$600	1	NA	NA		\$600
OAC rule 3745-66-	Stored incompatible hazardous wastes together.	Major	Moderate	\$8,000	1	NA	NA		\$8,000
<b>Total Penalty:</b>									<b>\$41,400</b>

*A guide to the . . .*

# **Administrative Enforcement Process**

*within the Division of Hazardous Waste Management*

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## **Introduction**

We developed this information sheet to help you understand the administrative enforcement process within the division. If you understand the process and are adequately prepared your company can help resolve this enforcement action quickly. We have included answers to the questions most frequently asked by parties involved in the hazardous waste administrative enforcement process.

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## **I have been working with the district inspector to fix the violations. Why is an enforcement action necessary?**

We consider the following factors when we decide that an enforcement action is necessary: (1) Ohio EPA needs to obtain redress for your violations; (2) your company's violations are serious; (3) your company has taken too long to address the violations; (4) your company needs to be on a formal schedule to address the violations; and/or (6) your company is a chronic violator.

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## **Why should I try to negotiate an administrative consent order ("Order") with Ohio EPA?**

- Negotiating an Order with Ohio EPA avoids expensive and time-consuming litigation.
- It can be a swift resolution of the State's claims against your company for its non compliance.
- We can quickly identify any obstacles to agreement.

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## **Should I continue working with the district inspector?**

Yes, the district inspector is the best person to work with you to resolve the technical aspects of the violations.

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## **What should I do now that I received the proposed administrative consent order?**

You should review the enclosed Order and the summary of the penalty calculation. If your company accepts the enclosed Order as written, sign the Order and send it to the staff attorney referenced in the

Director's letter within two weeks. If your company cannot accept the Order as written, the Agency would like to meet with you to discuss your concerns. Please contact the staff attorney to arrange a meeting.

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## **If I want to have a meeting, what should I do to prepare for it?**

Generally, the most productive meetings occur when both parties come prepared to discuss all issues. The Order and correspondence from the district inspector contain the Agency's position. Since your company was not willing to agree to the Order as written, Ohio EPA needs to know whether you: (1) disagree with the facts outlined in the Order; (2) are not able or willing to comply with the Order; or (3) have information your company feels may mitigate the civil penalty settlement amount. Send the staff attorney a written summary of your company's issues within two weeks from the date of the Director's letter. Additionally, if you believe your company is financially unable to pay the penalty, contact the staff attorney for a list of information we need to evaluate your company's ability to pay.

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## **What will happen at the meeting?**

During the meeting, Ohio EPA will respond to any information you have provided. We are willing to work with you to arrive at mutually agreed upon modifications to the Order. Ohio EPA expects to complete all negotiations at the meeting. If we cannot agree at the meeting and we feel we are making adequate progress, the Agency will hold its offer of settlement open. If we do not feel we are making adequate progress, the offer of settlement may be withdrawn and the Agency may consider other enforcement alternatives, including a referral to the Office of Attorney General.

**Why do I have to pay a civil penalty settlement?**

A penalty is necessary to deter future violations and to remove any economic incentive your company may have realized from not complying with Ohio's hazardous waste law. Instead of a full cash payment, the Agency may be willing to accept a supplemental environmental project (SEP). A SEP may include activities such as conducting a pollution prevention assessment, carrying out a specific pollution prevention project, arranging for the removal of wastes in school labs or other worthy environmental projects.

**How did Ohio EPA arrive at the civil penalty settlement amount?**

Ohio EPA relied on U.S. EPA's RCRA Civil Penalty Policy to calculate the penalty. Since U.S. EPA can seek up to \$25,000 per day per violation and Ohio can seek up to \$10,000 per day per violation, Ohio EPA adjusted the matrix accordingly. We have shown the matrix at the top of the next column. Ohio EPA uses this Policy to ensure that we calculate penalties fairly and consistently and that the penalty is appropriate for the gravity of the violation. Enclosed is a summary of Ohio EPA's civil penalty settlement calculation. If you want a copy of U.S. EPA's RCRA Civil Penalty Policy contact the staff attorney at (614)644-3037.

**Civil Penalty Matrix**

		<i>Extent of Deviation</i>		
		Minor	Moderate	Major
<i>Potential of Harm</i>	Minor	\$40 to \$200	\$200 to \$600	\$600 to \$1,200
	Moderate	\$1,200 to \$2,000	\$2,000 to \$3,200	\$3,200 to \$4,400
	Major	\$4,400 to \$6,000	\$6,000 to \$8,000	\$8,000 to \$10,000

**Who from Ohio EPA will be at the meeting?**

Everyone necessary to resolve the matter will be at the meeting or available during the meeting to provide settlement authority -- specifically, the staff attorney, the district inspector, and the case coordinator from the

enforcement unit. The division's enforcement coordinator may also attend the meeting.

**Who should I bring to the meeting?**

Similarly, you should bring people who are familiar with the issues and have the authority to settle this matter. You may want to contact your attorney.

**If we reach agreement, will Ohio EPA issue a news release?**

If we are able to reach an agreement in this matter, please be aware that Ohio EPA may issue a news release to local media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about these types of actions. You can read our news releases at <http://www.epa.state.oh.us/pic/current.html>. If we prepare a news release, you will receive a courtesy copy 24 hours before it is released to the media.

Although Ohio EPA's news release represents our position, and it is not appropriate to negotiate the language in the news release with you, we do want to make sure the release is accurate. The one-day preview is your opportunity to make us aware of any factual errors you believe need to be corrected, and to prepare any statements you may wish to make to the media on your company's behalf.

**OhioEPA Contacts**

- Legal Section (614)644-3037
- Central District Office (614)728-3778
- Northeast District Office (330)963-1200
- Northwest District Office (419)352-8461
- Southeast District Office (740)385-8501
- Southwest District Office (937)285-6357

**COVER MEMO**

- ( ) Director's Signature ( ) Assistant Director's Signature  
 ( ) DRAFT - Governor's Signature ( ) Deputy Director's Signature  
 ( ) Background Investigation Report - CONFIDENTIAL

Subject: (MCR# \_\_\_\_\_) Proposed Director's Final Findings and Orders - Summit Environmental Technologies, Inc.

Prepared by: <sup>TAA</sup> Todd Anderson & Jim Kavalec <sup>JK</sup> Division: Legal/DHWM Date: August 23, 2007

Blind Copies: \_\_\_\_\_

**NECESSARY APPROVALS**

**APPROVED BY**

**DATE**

- |  |                                      |                |
|--|--------------------------------------|----------------|
| ( ) Assistant Director   | _____                                | ____/____/____ |
| ( <input checked="" type="checkbox"/> ) Deputy Director, Legal Affairs | <u><i>Don Rezman</i></u>             | <u>9/19/07</u> |
| ( <input checked="" type="checkbox"/> ) Deputy Director, Communication | _____                                | ____/____/____ |
| ( ) Director's Office, Rules Coordinator                               | _____                                | ____/____/____ |
| ( x ) Legal  | <u><i>Todd Anderson</i></u> Anderson | <u>8/23/07</u> |
| ( ) Other  | _____                                | ____/____/____ |
| ( ) Other  | _____                                | ____/____/____ |

District Personnel Information		Division Personnel Information	
<b>Approvals:</b>	<b>Date:</b>	<b>Approvals:</b>	<b>Date:</b>
Supervisor _____	____/____/____	Unit Supervisor <u><i>John Schierbert</i></u> Schierbert	<u>8/29/07</u>
Manager _____	____/____/____	Section Manager <u><i>John Sarvis</i></u> Sarvis	<u>9/4/07</u>
Assistant Dist. Chief _____	____/____/____	Assistant Chief _____	____/____/____
District Chief _____	____/____/____	Chief <u><i>Michael Savage</i></u> Savage	<u>9/4/07</u>
Other _____	____/____/____	Other _____	____/____/____

**RETURN ALL SUPPORTING DOCUMENTS TO:**

Name: Todd Anderson Division: Legal Office (5<sup>th</sup> Floor)

Document Name: \_\_\_\_\_ WPS Initials/Date: \_\_\_\_\_

**Attachments:** CC:  Yes  No BC:  Yes  No

Other: \_\_\_\_\_