UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

DE-9J

April 3, 2007

Via Certified Mail (7001 0320 0006 7754)
Return Receipt Requested

Mr. David O. Simon
1370 Ontario Street, Suite 450
Cleveland, OH 44133

600 W. CHURCH

Re: Stark Ceramics, Inc
East Canton, Ohio
OHD 004 461 711

Dear Mr. Simon:

Recently, the U.S. Environmental Protection Agency (U.S. EPA) was advised that you have been appointed Bankruptcy Trustee for Stark Ceramics, Inc. (Stark), 600 West Church Street, East Canton, Ohio. This is to advise you that U.S. EPA issued Stark an Administrative Order on Consent (AOC) pursuant to Section 3008(h) of the Resource Conservation and Recovery Act (RCRA), on May 24, 1994. (Attachment A) This AOC was modified by letter dated February 1, 2000. (Attachment B) The modified order specified that Stark had a continuing obligation to inspect and maintain sediment control barriers in accordance with Section 4.0 of the Sediment Control Work Plan. This work plan had been previously submitted and implemented under Paragraph VI.M of the AOC. In addition, non-compliance with the modified AOC requirements was subject to stipulated penalties pursuant to Section XIII of the AOC and/or Section 3008(h)(2) of RCRA.

On August 31, 2006, U.S. EPA requested information from Stark about both the implementation of AOC requirements and the status of several units of concern at the facility. (Attachment C). Not all RCRA areas of concern had been addressed by the May 24, 1994, AOC. Stark responded by letter dated October 10, 2006. (Attachment D)

I visited the Stark facility on December 5, 2006. During that visit Mr. John Roberts, Stark Ceramics, advised that he was unaware of the existence of the AOC and that the facility was subject to continuing requirements. He advised that he was unable to locate sediment control barriers. Mr. Roberts and I went to the location were the barriers were reportedly installed prior to 2000, and I also did not observe the barriers.

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Mr. Roberts has advised U.S. EPA that he is no longer working for the facility and that the Trustee is responsible for all facility activities, including liquidation of the assets. Please contact Ms. Deirdre Flannery Tanaka with regard to what efforts will be undertaken to satisfy the AOC's continuing obligations. She can be reached at 312-886-6730. Thank you for your attention to this matter.

Sincerely,

Tamara Ohl

Tamara Ohl
Project Manager,
Enforcement and Compliance Assurance Branch
Waste, Pesticides, and Toxics Division.

cc: Ed Lim, OEPA – CO
Bill Lutz, OEPA – NEDO
Kirk Norris, Stark County Health Department