



NOTICE OF VIOLATION

Division of Emergency and Remedial Response

Date of Discovery: JAN 31, 2013

Incident Number: 1302-50-0245

SUBMIT INQUIRIES TO:
Ohio EPA-DERR
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

To: HARD ROCK EXCAVATING 2761 Silt Springs Rd Youngstown OH 44509
(Company/Individual name) Ben Lupo - owner (Address) (City, State, Zip Code)

This is to advise you that due to the circumstances noted below you are in violation of one or more of the following chapters of the Ohio Revised Code:

- 3704
- 3714
- 3734
- 3750
- 3750
- 6109
- 6111

Description of the violation(s): Release of oil AND WASTE WATER
generated by oil and gas industry - oil based mud,
used during drilling operation & waste, brine & brine
residue material was intentional discharged to storm sewer by
company employee under direction of Ben Lupo - owner. Release
impacted the Mahoning River and a tributary. Company failed to
report release in accordance ORC 3750.

Violation of any of the laws or regulations cited above may result in civil penalties, fines, and/or imprisonment. Penalties are listed on the back of this form. Each day of each violation is a separate offense. Citation of a violation in this notice does not preclude the citation or existence of other violations. Notice of a violation is not a final action of the Director and is not necessary prerequisite to a violator's liability for or obligation to abate the violation.

Initial abatement actions to be taken (The State of Ohio is not liable for the success or failure or consequences of any abatement actions taken):

- 1) stop release of oil & waste water into storm sewer
- 2) Establish & maintain containment systems in Trib & river to collect oil
- 3) Remove oil and oil impacted material from water way
- 4) Remove grossly impacted debris/mud to prevent leaching into waterway
- 5) Clean impacted sewer line
- 6) Properly manage waste material
- 7) maintain remediation until water quality restored to pre-release condition

Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, 3750, 6109 and 6111 of the Ohio Revised Code and any other applicable state or federal laws or regulations re require further site investigations and abatement to address release(s) of hazardous wastes, hazardous substances, industrial wastes or other wastes, pollutants or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.

By signing below the party acknowledges receipt of the Notice of Violation but does not admit the fact of or liability for the violation described.

Kurt Kollman 2-01-2013 216 789-9282
 (OEPA representative) (Date) (Phone number)
BEN W LUPU PRES 2-113
 (Authorized representative) (Title) (Date)
2761 Silt Springs Rd
 (Address) (City)
Youngstown Ohio 44509
 (State) (zip code) (Phone)

Refused to sign
(Print name of Representative)