



March 18, 2013

Mr. David M. Browning
c/o Ms. Judy Simon
CBRE
P.O. Box 22508
Beachwood, OH 44144

**RE: Notice of Violation
Vista Way Partners, LLC, Cuyahoga County**

Dear Madam/Sir:

By Notice of Violation dated November 27, 2012, you were notified of the financial assurance violations existing for Vista Way Partners. Enclosed with that November 27, 2012 Notice of Violation were previous Notices of Violation that were issued dated July 31, 2012 and September 12, 2012. This is the fourth Notice of Violation letter being sent regarding the financial assurance violations existing for Vista Way Partners. On December 7, 2012, I received an e-mail from Judy Simon of your office acknowledging receipt of the Notice of Violation letters; however, to date, no response has been received by Ohio EPA nor has financial assurance documentation been received by Ohio EPA.

Vista Way Partners requested and received an Authorization to Construct on top of a closed landfill. This authorization was issued on June 14, 2006. As a condition of this Authorization, Vista Way Partners, LLC was required to establish financial assurance in the form of either a surety bond or letter of credit in the amount of \$192,600.00 for post-construction care to maintain and operate constructed components at the landfill. To date, Vista Way Partners, LLC has failed to submit this financial assurance. In addition, Vista Way Partners, LLC is required to update the financial assurance amount for inflation. The inflation factors for the years 2007 to present are 2.9%, 2.66%, 2.1%, 1.18%, .9%, and 2.1%, respectively. Based on these inflation factors, the amount funded should be no less than **\$216,526.09**.

Vista Way Partners, LLC remains in violation of the June 14, 2006 Authorization and OAC Rules 3745-27-15 and 3745-27-16 until the required financial assurance is established and submitted to Ohio EPA.

Vista Way Partners, LLC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Vista Way Partners, LLC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to fanny.haritos@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Vista Way Partners, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (614) 728-5343 or by e-mail at fanny.haritos@epa.ohio.gov.

Sincerely,



Fanny Haritos
Financial Assurance and Remediation Unit
Division of Materials and Waste Management

FH/sw

cc: Jarnal Singh, Supervisor, DMWM, NEDO