



Environmental
Protection Agency

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

CERTIFIED #91 7108 2133 3932 4449 2780

February 15, 2011

Jonathan D. Coven
TechSouth Development Co., LLC
152 W. 57th Street, 60th Floor
New York, NY 10019

**Re: 2010 Operation and Maintenance Report – Notice of Non-Compliance
Former Techneglas, Inc. Facility Property
Franklin County
Project No. 125-002393-004**

Dear Mr. Coven:

On January 4, 2011, the Ohio Environmental Protection Agency (Ohio EPA) received the 2010 Operation and Maintenance (O&M) Annual Report from Joseph M. Reidy with Schottenstein, Zox & Dunn, Co., LPA. The report contained monthly O&M Inspections Forms, a 2009 Annual Report for TechSouth Development Co LLC, and Ohio EPA – Daily Discharge Monitoring Reports – Form 4500 for the National Point Discharge Source permit #4IN00032 *ND.

According to the information submitted, the interim engineering control, (a six-foot chain link fence) was removed on November 6, 2010. In accordance with the approved O&M plan, termination criteria must be met prior to the removal or termination of any temporary engineering controls on the property (see Section 5.1 Temporary Interim Engineering Controls of the December 2009 Voluntary Action Program (VAP) Operation and Maintenance Plan prepared by HzW Environmental Consultants, LLC). Therefore, in order for the termination criteria to have been met, documentation of the placement of all permanent engineering controls was to have been included in the annual O&M report following the August 18, 2010 letter from Ohio EPA. Please provide documentation of the placement of the pavement engineering control for the approximate three-foot six-inch strip along the north edge of Identified Area 8, as it was not provided in the 2010 O&M report.

The responses to Question 8 of the O&M inspection form indicate that the risk management plan (RMP) was not implemented during the past year. However, it has been reported that soils were removed during construction of the pavement engineering controls, and that these soils were staged on the property. Please provide documentation of the removal of soils exceeding VAP Generic Direct Contact Standards for lead during construction/excavation activities in accordance Section 5.3 RMP of the approved O&M plan.

Be advised that the next annual O&M report is due on December 30, 2011.

Please be aware that the time Ohio EPA staff have spent on addressing the compliance of your O&M agreement and any time that may be spent in the future by Ohio EPA, including inspections, will be billed to your VAP O&M agreement account.

Any questions concerning this matter should be addressed to me at (614) 466-2476. Your cooperation in resolving this matter within 45 days of receipt of this letter is greatly appreciated.

Sincerely,



Robin Roth
Site Coordinator
Central District Office
Division of Emergency and Remedial Response

c: Gary Guglielmi, City of Columbus, Department of Development
727 E. Jenkins Ave., LLC
CO DERR-VAP File #125002393004
CDO DERR File #125002393004

ec: Joseph M. Reidy, Esq., Schottenstein Zox & Dunn, Co., LPA
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