



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

May 11, 2009

Mr. John Garvey, CP
EDP Consultants, Inc.
9375 Chillicothe Road
Kirtland, Ohio 44094-8501

and

Ms. Nancy Hilfer
Overlook Ventures, LLC
2200 Overlook Road
Cleveland, Ohio 44106

**Re: Ohio EPA's Voluntary Action Program (VAP) Operation and Maintenance
Annual Reports for Nottingham Spirk Innovations Center Property (08OM078);
Notice of Deficiencies; Cleveland, Cuyahoga County**

Dear Mr. Garvey and Ms. Hilfer:

Ohio EPA has not received from Nottingham Spirk Innovations Center the annual Operation and Maintenance Report for the Nottingham Spirk Property (Nottingham), located at 2200 Overlook Road in Cleveland, Cuyahoga County, Ohio. The only chemical of concern at the Property is asbestos and the No Further Action Letter (NFA) for this Property includes an Operation and Maintenance Plan for a release of asbestos to soil in the basement crawl space. Mr. Garvey, EDP Consultants, submitted the NFA Letter on behalf of Ms. Nancy Hilfer of Overlook Ventures, LLC (the "Volunteer"), with an accompanying request for a covenant not to sue (CNS) under the VAP, Ohio Revised Code (ORC) Chapter 3746 and Ohio Administrative Code (OAC) Chapter 3745-300. The Operation and Maintenance Plan and Agreement currently under effect for asbestos requires the Volunteer to submit an annual report to document conditions of the Operation and Maintenance Plan. To date, this report has not been submitted for this year.

The foregoing provides Ohio EPA's concerns and identified deficiencies regarding the Operation and Maintenance Plan's demonstration of compliance with applicable standards at the Property. These matters must be addressed and the deficiencies corrected or Ohio EPA will need to consider revocation of the CNS for the Property.

Please submit a copy of the Operation and Maintenance Plan's annual report to:

Nancy Zikmanis
Ohio EPA, Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

MR. JOHN GARVEY, CP, EDP CONSULTANTS
NANCY HILFER, OVERLOOK VENTURES, LLC
MAY 11, 2009
PAGE 2

As well as another copy to the attention of Debbie Tavazon, Records Manager, DERR, Ohio EPA, Central Office, within 60 days.

This letter does not constitute an action of the Director and is not subject to appeal.

If you have any questions related to this review or would like to schedule a meeting or conference call, please feel free to contact me at (330) 963-1160.

Sincerely,



Nancy Zikmanis, CHMM
VAP Reviewer
Division of Emergency and Remedial Response

NZ/kss

cc: Ann Wood, Ohio EPA, Legal, CO
Ohio EPA, VAP Files, DERR, NEDO
Frank Robertson, Ohio EPA, DERR/VAP, CO
John Spirk, Nottingham Spirk Innovation
John Nottingham, Nottingham Spirk Innovation

ec: Steve Love, Ohio EPA, DERR, NEDO
Tiffani Kavalec, ACRE Manager, Ohio EPA, DERR, CO
Don Vogel, Ohio EPA, DERR/SABR, CO