



**Environmental
Protection Agency**

John R. Kasich, Governor
Marvin L. Fischer, Lt. Governor
Scott M. Lippert, Director

May 19, 2011

CERTIFIED MAIL

Mr. Joel Mazur
The City of Toledo
1 Government Center
640 Jackson Street, Suite 2200
Toledo, Ohio 43604

**Re: Notice of Non-Compliance of Operation and Maintenance Agreement, the Arena Project
Toledo, 1 Main Street, Toledo, Ohio 43605 (09NFA342, Project ID # 348-002167-003)**

Dear Mr. Mazur:

The Arena Project Toledo has failed to submit the annual O&M report as required under the Operation and Maintenance Agreement (OMA) entered into by the City of Toledo and the Ohio Environmental Protection Agency (Ohio EPA) on April 29, 2010. This failure is a violation of the OMA, and in accordance with Section 8 of that OMA, a failure to comply with the OMA may constitute a failure to maintain an applicable standard in accordance with Ohio Revised Code (ORC) Section 3746.12(B).

In order that the Arena Project Toledo may return to compliance with the OMA as quickly as possible, Ohio EPA requests that the Arena Project Toledo submit the annual O&M report to Ohio EPA at within 30 days of receipt of this letter.

Please be aware that the time Ohio EPA staff have spent on addressing this violation of your OMA and any time that may be spent in the future by Ohio EPA, will be billed to your Voluntary Action Program OMA account.

Any questions concerning this matter should be addressed to Emily Patchen at (614) 728-5441. Your cooperation in resolving this matter is appreciated.

Sincerely,

Emily Patchen
ACRe Compliance Coordinator
Division of Environmental Response and Revitalization
Central Office

cc: CO/DO Files (09NFA342)

Michael T. Coonfare, Hull & Assoc., Inc.
3401 Glendale Avenue, Suite 300
Toledo, Ohio 43614

ec: Tiffani Kavalec, Manager, DERR-CO
Frank Robertson, Supervisor, DERR-CO
Archie Lunsey, Manager, DERR-NWDO
Brian Patterson, Site Coordinator, DERR-NWDO