



**Cuyahoga County Land Reutilization Corporation**

812 Huron Rd E, Suite 800, Cleveland, Ohio 44115  
Telephone (216) 698-8853 Fax (216) 698-8972

March 20, 2025

Ohio Environmental Protection Agency/DERR  
Voluntary Action Program  
Attn: Corin Fogle, Environmental Supervisor  
50 W. Town Street, Suite 700  
Columbus, Ohio 43215

Re: Notice of Entry into the RCRA and VAP MOA Track and Grant Funded TA Program  
3203 W. 71<sup>st</sup> Street Property  
3203 W. 71<sup>st</sup> Street  
Cleveland, Ohio 44102

Ms. Fogle:

The Cuyahoga County Land Reutilization Corporation (Land Bank), as the volunteer, is providing Ohio EPA the attached Notice of Entry (Form 1a) into the RCRA and VAP MOA Track and Grant Funded Technical Assistance Program for the 3203 W. 71st Street Property located at 3203 W. 71st Street in Cleveland Ohio. This property is part of a FY24 USEPA Brownfield Clean-Up Grant awarded to the Land Bank on May 20, 2024.

The Land Bank will notify the public of our entry into the RCRA and VAP MOA Track, according to Form 2 (attached). Proof of publication will be submitted to the Ohio EPA within 30 days of our submission of the Notice of Entry.

The Cuyahoga County Land Reutilization Corporation's contact for this project will be Carly Beck, Environmental Project & Data Analyst. You may reach our project contact at [cbeck@cuyahogalandbank.org](mailto:cbeck@cuyahogalandbank.org) or 216-698-4696.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricardo León".

Ricardo León  
President & CEO

**Ohio EPA RCRA and RCRA AND VAP MOA Track:  
Notice of Entry into the RCRA and VAP MOA Track and  
Grant Funded Technical Assistance Program**

---

The establishment of the *RCRA and Voluntary Action Program Memorandum of Agreement* between the United States Environmental Protection Agency (“USEPA”) and the Ohio Environmental Protection Agency (“Ohio EPA”), effective November 8, 2007 (the “RCRA and VAP MOA Track”) was an administrative effort which required no change to program rules or statute. The RCRA and VAP MOA supersedes the VAP MOA effective July 31, 2007, which similarly required no rule or statutory changes. Because of this, it was determined that the “up-front” oversight required under the RCRA and VAP MOA Track (i.e., Ohio EPA’s review of eligibility determinations, Phase I property assessments, risk assessments, etc.), would be conducted under Ohio EPA’s VAP Technical Assistance Program. Further, volunteers must agree to this and other RCRA and VAP MOA Track procedures in accordance with the MOA. This form provides an overview of the Technical Assistance Program, and overview of the MOA requirement for the volunteer’s agreement to comply with RCRA AND VAP MOA Track procedures, and the attached template: *Acknowledgment of Volunteer’s Agreement*.

**Overview of the Technical Assistance Program**

Under the conventional or “Classic” VAP Track, Ohio EPA is not required to review any documentation pertaining to a voluntary action until, at the completion of the assessment and cleanup, a no further action (“NFA”) letter for the property is submitted to the Director of Ohio EPA. To address the issue of volunteers and certified professionals who seek property-specific technical guidance from Ohio EPA in the largely privatized Classic VAP Track, Ohio EPA established a Technical Assistance Program.

All oversight that is required to be conducted under the RCRA and VAP MOA Track will be conducted under the VAP grant-funded Technical Assistance Program. Therefore, Ohio EPA’s grant-funded program will cover the costs for the time agency staff spend conducting the oversight and reviews related to the RCRA and VAP MOA Track for the property, **as long as grant funds remain available**. If grant funds are no longer available, the volunteer will be responsible for paying all incurred costs associated with the MOA review.

\* \* \* \* \*

**Agreement to Comply with RCRA AND VAP MOA Track Procedures**

To successfully complete a voluntary action under the RCRA and VAP MOA Track, a volunteer must demonstrate that the voluntary action meets the applicability requirements of the MOA. According to section IV of the MOA, the MOA applies to properties that meet all the following criteria:

- (1) The participating volunteer provided a *Notice of Entry into the RCRA and VAP MOA Track* to Ohio EPA before the volunteer began activities under the program;

- (2) The participating volunteer agreed to follow the procedures provided under the RCRA and VAP MOA Track and to remain in compliance with those procedures (*RCRA and VAP MOA Track Procedures for Participation*) before the volunteer began activities under the program;
- (3) The participating volunteer completed the voluntary action in compliance with the RCRA and VAP MOA Track procedures, Ohio Revised Code (“ORC”) Chapter 3746, and Ohio Administrative Code (“OAC”) Chapter 3745-300, and received a covenant not to sue, that is still in effect, from the State of Ohio; and,
- (4) The participating volunteer demonstrated that the property is not ineligible (*RCRA and VAP MOA Track Initial Eligibility Determination*).

Therefore, to participate in the RCRA and VAP MOA Track, a volunteer must submit a completed *Notice of Entry into the RCRA and VAP MOA Track*, demonstrate that the property is eligible, and execute the attached *Volunteer’s Acknowledgment of Agreement*.

By signing the Acknowledgment before a notary public, the volunteer participating in the RCRA and VAP MOA Track acknowledges the volunteer’s agreement to follow the procedures provided under the RCRA and VAP MOA Track (outlined in *RCRA and VAP MOA Track Procedures for Participation*) and remain in compliance with those procedures in conducting the voluntary action. Keep in mind that the volunteer reserves the right to withdraw from the RCRA and VAP MOA Track at any time prior to submission of an NFA letter for the Property if the Ohio EPA is given written notice of the withdrawal within 14 days after the withdrawal.

Further, the volunteer acknowledges its agreement to allow Ohio EPA and USEPA access to the property to conduct site visits or other visual inspections of the property for purposes of overseeing the voluntary action under the RCRA and VAP MOA Track. In cases where the volunteer is not a property owner or operator, but otherwise has decided with the property owner allowing access for state and federal government oversight purposes, the volunteer may indicate the access arrangement. To the extent the volunteer lacks authority to provide Ohio EPA or USEPA access for oversight of the voluntary action, the agreement requires the Volunteer’s best efforts to obtain such access from the property owner.

#### **ACKNOWLEDGMENT OF VOLUNTEER’S AGREEMENT**

The *RCRA and Voluntary Action Program Memorandum of Agreement* between the Ohio Environmental Protection Agency (“Ohio EPA”) and the United States Environmental Protection Agency (“USEPA”), effective November 8, 2007 (the “RCRA and VAP MOA Track”) was an administrative effort which required no change to program rules or statute. The RCRA and VAP MOA supersedes the VAP MOA effective July 31, 2007, which similarly required no rule or statutory

changes. The MOA requires that participating volunteers agree to comply with the procedures provided under the RCRA and VAP MOA Track and to remain in compliance with those procedures. This requirement is met through this form: *Acknowledgment of Volunteer's Agreement*.

*Compliance with RCRA and VAP MOA Track Procedures:* By signature to this agreement, Cuyahoga County Land Reutilization Corporation (name of RCRA and VAP MOA Track Volunteer) (the "Volunteer") agrees to follow the procedures provided under the RCRA and VAP MOA Track (as outlined in *RCRA and VAP MOA Track Procedures for Participation*). The Volunteer agrees to remain in compliance with those procedures for the 3203 W. 71<sup>st</sup> Street (name) property identified in the *Notice of Entry Into the RCRA and VAP MOA Track* submitted on March 25, 2025 (date) (the "Property") until submission of a no further action ("NFA") letter issued for the Property in accordance with Ohio Revised Code ("ORC") 3746.11 and Ohio Administrative Code ("OAC") Chapter 3745-300.

*Duration of Agreement; Withdrawal:* The RCRA and VAP MOA Track begins upon submission of a Notice of Entry (*RCRA and VAP MOA Track Form #3*) and ends upon submission of an NFA letter issued in compliance with ORC Chapter 3746 and the rules adopted thereunder in OAC Chapter 3745-300. The Volunteer reserves the right to withdraw from the RCRA and VAP MOA Track at any time prior to submission of a no further action letter for the Property. If the Volunteer withdraws the Property from the RCRA and VAP MOA Track, the Volunteer agrees to provide Ohio EPA written notice of the withdrawal within 14 days after the withdrawal.

*Consent to access:* The Volunteer, as owner or operator of the Property, consents to Ohio EPA, USEPA, and their respective representatives entering the Property during reasonable hours. *[Alternate provision for use when the Volunteer is not an owner or operator of the Property but has already secured access for state or federal oversight under the RCRA and VAP MOA Track: The owner of the Property is Not Applicable (name of Property owner), who through an access agreement with the Volunteer agrees to provide access to Ohio EPA, USEPA, and its respective representatives for the purposes of overseeing the voluntary action under the RCRA and VAP MOA Track.] -or- [Alternate provision for use when the Volunteer is not an owner or operator of the Property and does not yet have Property owner's consent to access. The owner of the Property is Not Applicable (name of Property owner). The Volunteer agrees to use best efforts to secure access from the Property owner for the purposes of this agreement. The Volunteer agrees to contact Ohio EPA once consent to access is obtained.*

The consent to access for the purposes of this agreement extends to site visits or other visual inspections of the Property related to Ohio EPA or USEPA oversight of the voluntary action at the Property. By giving consent under this agreement, the Volunteer does not waive or otherwise compromise the Volunteer's rights under federal, state, or local law.

It is so agreed:

*[Handwritten Signature]*

(Signature)

Ricardo León, President & CEO, authorized representative of Cuyahoga County Land Reutilization Corporation

(Printed/typed name)

(Name of Volunteer)

**Acknowledgment**

Before me, a Notary Public appeared the above-named individual who acknowledged signing of the foregoing Agreement to be his / her own free act.

In testimony whereof, I have hereto subscribed my name and affixed my seal

this 20<sup>th</sup> day of March, 2025

*[Handwritten Signature]*

(Signature)

KIMBERLY STEIGERWALD

(Typed/printed name)

Notary Public; my commission expires on

9/25, 2025



KIMBERLY STEIGERWALD  
NOTARY PUBLIC • STATE OF OHIO  
Comm. No. 2016-RE-605941  
My Commission Expires Sept. 25, 2026

## Part I: Notice of Entry into the RCRA and VAP MOA Track

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Required Information	Response																		
1. Name of property entering the RCRA and VAP MOA Track:	3203 W. 71 <sup>st</sup> Street																		
2. Alias property name (if any):																			
3. Street address/location:	3203 W. 71 <sup>st</sup> Street, Cleveland, Ohio 44102																		
4. Total acreage on which the voluntary action is based:	1.277 acres																		
5. Tax Parcel(s) Nos. and Taxing District:	006-28-038																		
6. County / Ohio EPA District Office in which the property is located:	Cuyahoga County / Northeast District Office																		
7. Latitude and longitude of property to the nearest second. <i>[Provide multiple points. At a minimum, provide lat. &amp; long. for sufficient points to outline the boundary of the property.]</i>	<table border="1"> <tbody> <tr> <td>*Northwest Property Corner</td> <td>41.467013, -81.734343</td> </tr> <tr> <td>Southwest Property Corner</td> <td>41.466226, -81.734370</td> </tr> <tr> <td>South Central Property Line</td> <td>41.466387, -81.734092</td> </tr> <tr> <td>South Property Corner</td> <td>41.466193, -81.733784</td> </tr> <tr> <td>Southeast Property Corner</td> <td>41.466420, -81.733409</td> </tr> <tr> <td>East Property Corner</td> <td>41.466682, -81.733411</td> </tr> <tr> <td>East-Central Property Corner</td> <td>41.466676, -81.733927</td> </tr> <tr> <td>Northeast Property Corner</td> <td>41.467004, -81.733918</td> </tr> <tr> <td>Middle of Property</td> <td>41.466592, -81.733982</td> </tr> </tbody> </table> <p>*Locations are approximate and are based on coordinates obtained from Google Earth</p>	*Northwest Property Corner	41.467013, -81.734343	Southwest Property Corner	41.466226, -81.734370	South Central Property Line	41.466387, -81.734092	South Property Corner	41.466193, -81.733784	Southeast Property Corner	41.466420, -81.733409	East Property Corner	41.466682, -81.733411	East-Central Property Corner	41.466676, -81.733927	Northeast Property Corner	41.467004, -81.733918	Middle of Property	41.466592, -81.733982
*Northwest Property Corner	41.467013, -81.734343																		
Southwest Property Corner	41.466226, -81.734370																		
South Central Property Line	41.466387, -81.734092																		
South Property Corner	41.466193, -81.733784																		
Southeast Property Corner	41.466420, -81.733409																		
East Property Corner	41.466682, -81.733411																		
East-Central Property Corner	41.466676, -81.733927																		
Northeast Property Corner	41.467004, -81.733918																		
Middle of Property	41.466592, -81.733982																		
8. Name of Volunteer(s):	Cuyahoga County Land Reutilization Corporation																		
9. Is the Volunteer the owner of the property?	X YES <input type="checkbox"/> NO																		
10. Volunteer(s) business address:	812 Huron Road E, Suite 800, Cleveland, Ohio 44115																		
11. Phone number for Volunteer and Name of Contact Person:	Phone Number: 216-698-4696 Contact Person: Carly Beck																		
12. Name of Current Property Owner(s):	Cuyahoga County Land Reutilization Corporation																		
13. Address of Current Property Owner(s):	812 Huron Road E, Suite 800, Cleveland, Ohio 44115																		
14. Phone number for Current Property Owner and Name of Contact Person:	Phone Number: 216-698-4696 Contact Person: Carly Beck																		
15. If a Certified Professional (CP) has been retained for the property, please provide the name, business address, and current phone number of the CP(s):	Matthew S. Pesci, CP 1800 Indian Wood Circle Maumee, Ohio 43537 419-891-2222 x2088																		
16. CP number(s):	410																		

17.	Has any prior VAP Technical Assistance (TA) been received?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Type of TA Received (if known):
18.	Name(s) of Ohio EPA personnel providing TA (if known):		

**Part I: Notice of Entry into the RCRA and VAP MOA Track**

Please provide a complete response in the spaces provided below:  
 (If additional space is needed, please attach, and reference the additional documentation.)

Required Information	Response
19. TA Billing Number (if known):	
20. Is the property within an area having an Urban Setting Designation (USD)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO      Date Granted (if applicable): February 16, 2011
21. Does the volunteer anticipate requesting a USD for the property?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
22. Have any Consolidated Standards Permits (CSP) been issued or exemptions to permit requirements been granted regarding the property?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES:      Date Granted: The entity to which it was granted:
23. Describe any state/federal VAP/Brownfield financial assistance received or expect to receive in conjunction with this project:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A If Yes, please describe: USEPA Brownfield Cleanup Grant awarded – USEPA FY24 Ohio EPA Targeted Brownfield Assistance Program (Phase I ESA and Phase II ESA)
24. Describe the intended land use of the property, if known:	Unknown
25. Attach the Public Notice of entry into RCRA and VAP MOA Track. [NOTE: Proof of publication of the public notice must be submitted within 30 days of submittal of this Notice; see MOA Track procedures]:	Name of newspaper(s) for publication of Public Notice: The Plain Dealer
26. Name, address, and telephone number of the Public Repository established for the property:	Cleveland Public Library – Lorain Branch 8216 Lorain Avenue, Cleveland, Ohio 44102 216-623-7011

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
NPL	1. OAC 3745-300-02(B)(1); National Priority List (NPL) sites		
NPL	1a. Is the property or some portion of the property (i) on the NPL, or (ii) proposed to be listed on the NPL according to Federal Register notice, or (iii) a site where U.S. EPA, after the performance of a preliminary assessment or site inspection and after consultation with Ohio EPA, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the NPL. (If only a portion of the property is affected by one or more of the above criteria, attach a map that identifies the portion of the property affected.)	Yes: No: <b>X</b>	
<p>Note: Properties or portions thereof that are listed on the NPL are ineligible for the MOA Track until U.S.EPA delists the property or portion thereof from the NPL, and the Ohio EPA is provided documentation of the delisting. Properties or portions thereof that are proposed to be listed on the NPL or are the subject of a Hazard Ranking Scoring package, are ineligible for the MOA Track unless U.S. EPA determines not to list the property or portion thereof or determines not to take further federal action, and Ohio EPA is provided documentation of the determination.</p>			
NPL	1b. If YES to 1.a.), has U.S.EPA delisted, determined not to list, or determined not to take any further federal action at the property or portion of the property?	Yes: No:	
NPL	1c. If YES to 1.b.), provide the date of the delisting or the determination not to list or take further federal action, and attach documentation of the delisting.		Date delisted / determination by U.S. EPA: Document name: Section: Page Number(s):
NPL	1d. If NO to 1 b.), the property or portion thereof may be ineligible for the VAP MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
UIC	2. OAC 3745-300-02(B)(2) Underground Injection Control wells		
UIC	2a. Has there ever been an "injection well" as defined in OAC 3745-34-01(U) located on the property?	Yes: No: <b>X</b>	
<p>Note: Properties on which a Class I, II, III, or IV injection well is located are not eligible for the VAP unless all closure and/or remediation obligations are satisfied, and Ohio EPA receives documentation of completion of those requirements.</p>			
UIC	2b. If YES to 2.a.), identify, in accordance with OAC 3745-34-04, the classification of each injection well.		Number of Class I wells: Number of Class II wells: Number of Class III wells: Number of Class IV wells: Number of Class V wells:
UIC	2c. For each well identified as Class I, was closure and remediation pursuant to ORC Chapter 6111 conducted and approved by	Yes: No:	



## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
	Ohio EPA?		
UIC	2.d. If YES to 2.c.), provide the date of the closure approval and attach documentation of the closure approval.		Date: Document name: Section: Page Number(s):
UIC	2.e. If NO to 2.c.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
UIC	2.f. For each well identified as Class II, was closure and remediation pursuant to ORC Chapter 1509 completed for which ODNR issued approval?	Yes: No:	
UIC	2.g. If YES to 2.f.) provide the date of the closure approval and attach documentation of the closure approval.		Date: Document name: Section: Page Number(s):
UIC	2.h. If NO to 2.f.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
UIC	2.i. For each well identified as Class III, was closure and remediation pursuant to OAC Chapter 1509 completed at the property for which ODNR issued approval?	Yes: No:	
UIC	2.j. If YES to 2.i.), provide the date of closure approval and attach documentation of the closure approval.		Date: Document name: Section: Page Number(s):
UIC	2.k. If NO to 2.i.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
UIC	2.l. For each well identified as Class IV, was closure and remediation pursuant to ORC Chapter 3734 conducted, and the closure and remediation approved of by the Ohio EPA?	Yes: No:	
UIC	2.m. If YES to 2.l.), provide the date of closure approval and attach a copy of the closure approval documentation.		Date: Document name: Section: Page Number(s):
UIC	2.n. If NO to 2.l.), the property may be ineligible for the MOA Track. If the property's		Document name: Section:

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (Indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
	eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Page Number(s):
UIC	2.o. For any well identified as Class V, does a permit or order issued by Ohio EPA or U.S.EPA require site assessment, removal, or remediation?	Yes: No:	Document name: Section: Page Number(s):
	Note: Properties on which Class V injection wells are located and which are subject to a permit and/or order requiring investigation or remediation are not eligible for the MOA Track, unless all obligations of the permit and/or order are satisfied, and Ohio EPA receives documentation of completion of those requirements.		
UIC	2.p. If YES to 2.o.), has all work under the order or permit been completed satisfactorily, and has the order or permit been terminated?	Yes: No:	
UIC	2.q. If YES to 2.p.), provide the date of the termination documentation and attach a copy of the termination documentation.		Date: Document name: Section: Page Number(s):
UIC	2.r. If NO to 2.p.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
RCRA CA Permit	3. OAC 3745-300-02(B)(3); RCRA Corrective Action Permit		
RCRA CA Permit	3.a. Is the property subject to any state or federal obligations to perform corrective action pursuant to a permit issued under RCRA or ORC Chapter 3734, and rules adopted thereunder?	Yes: No: X	
	Note: If a property is subject to a federal corrective action order, it is ineligible pursuant to OAC 3745-300-02(B)(4) and the MOA, until the obligations of the order are satisfied, and Ohio EPA receives documentation of completion of those requirements. If a property is subject to a state corrective action order, it is ineligible pursuant to OAC 3745-300-02(B)(3) (see below).		
RCRA CA Permit	3.b. If YES to 3.a.), has all work under the permit been completed satisfactorily, and has the permit been terminated?	Yes: No:	
RCRA CA Permit	3.c. If YES to 3.b), provide the date of the termination letter and attach a copy of the termination letter.		Date: Document name: Section: Page Number(s):
RCRA CA Permit	3.d. If NO to 3.b), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility. reference the location within the NFA Letter where a concise explanation of the property's favorable		Document name: Section: Page Number(s):

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
	eligibility is located.		
PCBs	4. OAC 3745-300-02(C)(8); Polychlorinated Biphenyls ("PCBs")		
PCBs	4.a. Has a release of PCBs more than fifty (50) parts per million (ppm) ever occurred at the property?	Yes: No: <b>X</b>	
	Note: Properties or portions thereof upon which a release of PCBs more than 50 ppm has occurred are ineligible for the VAP, unless all applicable obligations of the Toxic Substances Control Act (TSCA) have been satisfied, and Ohio EPA receives documentation of completion of those requirements.		
PCBs	4.b. If YES to 5.a.), provide the date(s) of the release(s).		Date(s):
PCBs	4.c. If any release occurred, has removal or remediation pursuant to TSCA been completed at the property, and approval issued by U.S. EPA?	Yes: No:	Document name: Section: Page Number(s):
PCBs	4.d. If NO to 4.c), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
Fed Enf	5. OAC 3745-300-02(B)(4); Federal Enforcement		
Fed Enf	5.a. Has the property, or any portion thereof, ever been the subject of a RCRA or CERCLA federal enforcement action which required any site assessment, removal, or remedial activities, pursuant to any federal laws or regulations?	Yes: No: <b>X</b>	
	Note: Properties that are subject to RCRA or CERCLA federal enforcement action, including but not limited to administrative or judicial orders, injunctions, consent decrees, or CERCLA special notice letters, are ineligible for the MOA Track, until all obligations of the federal enforcement action are satisfied, and Ohio EPA receives documentation of completion of those requirements.		
Fed Enf	5.b. IF YES to 5.a.), has all work under the federal enforcement action been completed satisfactorily and the enforcement action terminated?	Yes: No:	Document name: Section: Page Number(s):
Fed Enf	5.c. If YES to 5.b.), provide date of termination letter and attach a copy of the letter of termination.		Date: Document name: Section: Page Number(s):
Fed Enf	5.d. If NO to 5.b.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
Solid Waste	6. OAC 3745-300-02(B)(5) Solid Wastes		
Solid Waste	6.a. Was "solid waste", as defined in ORC Chapter 3734 and rules adopted thereunder, disposed of on the property after 1968?	Yes: No: X	
Note: Properties which are subject to solid waste closure and post-closure activities under ORC Chapter 3734 and the rules adopted there under, are ineligible for the VAP, until all obligations of solid waste closure and post-closure are satisfied, and Ohio EPA receives documentation of completion of those requirements.			
Solid Waste	6.b. If YES to 6.a.), is the solid waste disposal (or solid waste facility) subject to closure pursuant to a permit, license or order issued pursuant to ORC chapter 3734?	Yes: No:	
Solid Waste	6.c. If YES to 6.b.), did Ohio EPA approve of the completion of the closure?	Yes: No:	
Solid Waste	6.d. If YES, to 6.c.), provide the date of the closure approval and attach a copy of the closure approval letter.		Date: Document name: Section: Page Number(s):
Solid Waste	6.e. If YES to 6.c.), have all post-closure obligations been met at the closed disposal facility?	Yes: No:	
Solid Waste	6.f. If YES to 6.e.), attach documentation of Ohio EPA's approval of completion of the post-closure obligations.		Document name: Section: Page Number(s):
Solid Waste	6.g. If NO to 6.c.), or 6.e.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
Solid Waste	6.h. Does the property contain any foundry sand, fly ash, bottom ash, slag, or construction and demolition debris that is not a solid waste, as defined by ORC 3734.01?	Yes: No:	
Solid Waste	6.i. If YES to 6.h.), attach documentation that supports the material is not solid waste as defined by ORC 3734.01.		Document name: Section: Page Number(s):
Haz Waste	7. OAC 3745-300-02(B)(5) Hazardous Wastes		
Haz Waste	7.a. Did treatment, storage, or disposal of hazardous waste, as defined in ORC Chapter 3734 and the rules adopted thereunder, occur at the property on or after November 19, 1980?	Yes: No: X	

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
<p>Note: Properties which are subject to hazardous waste closure and post-closure activities under ORC Chapter 3734 and the rules adopted thereunder, are not eligible for the MOA Track, until all obligations of hazardous waste closure and post-closure are satisfied, and Ohio EPA receives documentation of completion of those requirements.</p>			
Haz Waste	7.b. Have soils or other environmental media been removed from the area of contamination and placed in other locations on the property?	Yes: No:	
Haz Waste	7.c. If YES to 7.b.), are the soils characteristic or do they meet the listing criteria as Hazardous Wastes as defined in ORC Chapter 3734 and the rules adopted thereunder?	Yes: No:	
Haz Waste	7.d. If YES to 7.a.) and/or 7.c.), was the closure of the hazardous waste unit(s), certified as completed at the property for which Ohio EPA has issued approval?	Yes: No:	
Haz Waste	7.e. If YES to 7.d.), provide the date of closure approval.		Date:
Haz Waste	7.f. If NO to 7.d.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
Haz Waste	7.g. Has an operation at the property ever generated hazardous waste in quantities that initiate Large Quantity Generator status under RCRA pursuant to OAC Chapter 3745-52?	Yes: No:	
Haz Waste	7.h. If YES to 7.g.), has a generator closure been conducted and self-certified in accordance with OAC Chapter 3745-52?	Yes: No:	
Haz Waste	7.i. If YES to 7.h.), attach a copy of the self-certification of completion of generator closure.		Document name: Section: Page Number(s):
Haz Waste	7.j. If NO to 7.h.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Document name: Section: Page Number(s):
USTs	8. OAC 3745-300-02(B)(6) Petroleum Underground Storage Tank (UST) Systems		
USTs	8.a. Have there ever been any petroleum UST systems, as defined at OAC 1301:7-9-02(B)(45), located on the property?	Yes: X No:	

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
<p>Note: Properties on which petroleum UST systems subject to ORC chapter 3737 and the rules adopted hereunder are located are not eligible for the VAP unless all such obligations of site assessment, removal, or remediation pursuant to ORC 3737.87 et seq. are satisfied, and Ohio EPA receives documentation of completion of those requirements.</p>			
USTs	8.b. Have any known or suspected releases from any petroleum UST systems ever occurred on or emanated onto the property? Note: This must include releases that occurred from off-property UST systems.	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
USTs	8.c. Has the State Fire Marshal issued an order to the owner or operator of the UST system to close the UST system in accordance with OAC 1301:7-9-12?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
USTs	8.d. If YES to 8.a.) and 8.b.), indicate or attach a copy of any exemptions applicable to the UST systems.		Document name: Section: Page Number(s):
USTs	8.e. For each UST system to which an exemption does not apply, has the Bureau of Underground Storage Tank Systems (BUSTR) provided an NFA letter that documents satisfaction of the site assessment, removal, or remediation requirements pursuant ORC chapter 3737.87 et seq. and the rule adopted thereunder for all UST systems?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
USTs	8.f. If YES to 8.d.), provide the date of the BUSTR NFA letter and attach a copy of the BUSTR NFA letter.		Date: Document name: Section: Page Number(s):
USTs	8.g. If NO to 8.d.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Date: <b>March 17, 2025</b> Document name: <b>BUSTR Class C Determination (See Attached)</b> Section: Page Number(s):
Oil & Gas	9. OAC 3745-300-02(B)(7) Oil and Gas Wells		
Oil & Gas	9.a. Have any oil and gas wells, as those terms are defined in ORC Chapter 1509 and rules adopted thereunder, ever been located on the property?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
<p>Note: Properties on which oil and gas wells subject to ORC Chapter 1509 and the rules adopted thereunder are located are ineligible for the MOA Track, unless all obligations of ORC Chapter 1509 and the rules adopted thereunder are satisfied, and Ohio EPA receives documentation of completion of those requirements.</p>			
Oil & Gas	9.b. If YES to 9.a.), have those wells been properly abandoned in accordance with ORC Chapter 1509 and the rules thereunder?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Oil & Gas	9.c. If YES to 9.b), provide the date of approval and attach a copy of the ODNR approval		Date: Document name:

## Part II: Initial Eligibility Determination

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (Indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
	documentation.		Section: Page Number(s):
Oil & Gas	9.d. If NO to 9.b), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Date: Document name: Section: Page Number(s):
Enforcement Letter	10. OAC 3745-300-02(B)(8) Enforcement Letter		
Enforcement Letter	10.a. Is the property, or a portion thereof, subject to an enforcement letter as defined by OAC 3745-300-02 relating to a release or threatened release of hazardous substances or petroleum at or from the property?	Yes: No: X	
Note: Properties subject to an enforcement letter relating to a release or threatened release of hazardous substances or petroleum are ineligible for the MOA Track, unless evidence of entry into and participation in the VAP can be demonstrated, as provided in OAC 3745-300-02(D), or unless the investigation and/or remediation obligations of the enforcement action have been completed to Ohio EPA's satisfaction and the enforcement action has been terminated.			
Enforcement Letter	10.b. If YES to 10.a.), provide the date the enforcement letter was received.		Date of Enforcement Letter:
Enforcement Letter	10.c. IF YES to 10.a.), has all work under the state enforcement action been completed satisfactorily, and has the enforcement action been terminated?	Yes: No:	
Enforcement Letter	10.d. If YES to 10.c.), provide the date of enforcement action termination and attach a copy of the letter of termination.		Termination Date: Document name: Section: Page Number(s):
Enforcement Letter	10.e. If NO to 10.c.), has a demonstration of sufficient evidence been presented for the Director's consideration pursuant to OAC 3745-300-02(D)?	Yes: No:	
Enforcement Letter	10.f. If YES to 10.e.), attach a copy of the demonstration of sufficient evidence.		Document name: Section: Page Number(s):
Completed Property Investigation and Remedy Initiated	11. MOA, p. 4. Sites that have "completed investigation and initiated a remedy" under the VAP (ORC chapter 3746 and OAC chapter 3745-300).		
Completed PI and Initiated Remedy	11.a. Have investigations and implementation of a permanent remedy been completed at the property, or a portion thereof?	Yes: X No:	<b>Environmental investigations have been completed at the Property; however, no permanent remedies have been initiated or completed.</b>
Note: Properties for which investigations have been completed and which have a permanent remedy may be ineligible for the MOA Track. Remedies			

## **Part II: Initial Eligibility Determination**

Please provide a complete response in the spaces provided below:

(If additional space is needed, please attach, and reference the additional documentation.)

Eligibility Type	Required Information for Initial Eligibility Determination	Yes or No (indicate which)	Provide specific responses where indicated below, and attach to this Form supporting documentation. Please reference all attachments [including the document name, section, and page number(s)] where the relevant information is located.
	initiated under the MOA Track require Ohio EPA oversight and public comment. Please contact Ohio EPA regarding whether an implemented remedial activity may be a permanent remedy effecting the property's eligibility for the MOA Track.		
Completed PI and Initiated Remedy	11.b. If YES to 11.a.), provide the date of the completed phase I property assessment and completed phase II property assessment.		Date of completed Phase I Property Assessment: <b>February 2023</b>  Date of completed Phase II Property Assessment: <b>July 2023 (Phase II ESA) and January 2024 (Supplemental Phase II ESA)</b>
Completed PI and Initiated Remedy	11.c. If YES to 11.a.), provide the type of remedy.		Type of remedy: <b>Not Applicable – No remedy was initiated</b>
Completed PI and Initiated Remedy	11.d. If YES to 11.a.), the property may be ineligible for the MOA Track. If the property's eligibility may be justified under the MOA, the volunteer may attach an explanation of the property's favorable eligibility.		Date: Document name: Section: Page Number(s): <b>Not Applicable - Environmental investigations have been completed at the Property; however, no permanent remedies have been initiated or completed. A BUSTR Class C Determination is attached.</b>



**Attachment**



**Department of  
Commerce**

Division of State Fire Marshal

[com.ohio.gov](http://com.ohio.gov)

Mike DeWine, Governor Jon Husted, Lt. Governor Sherry Maxfield, Director

March 17, 2025

VIA EMAIL TO CLIFTON WHEELER  
MANNIK & SMITH GROUP, INC.

SITE: FORMER RO HULL COMPANY  
3203 WEST 71 STREET  
CLEVELAND, OH  
RELEASE NO.: 18011470 N00001

To Whom It May Concern:

This letter shall serve notice that the regulated petroleum underground storage tanks (LTF 1), as identified in Bureau of Underground Storage Tank Regulations (BUSTR) file no. **18011470-N00001**, has been given a designation of a "Class C Release" by the Division of the State Fire Marshal, in accordance with Ohio Revised Code 3737.87(T).

If you have any questions, please contact me at 614-752-7938.

Sincerely,

Lori M. Stevens, Esq.  
Assistant Division Counsel - BUSTR

Site File

**PUBLIC NOTICE**

**Notice of Entry into Ohio EPA's RCRA and VAP MOA Track  
Cuyahoga County Land Reutilization Corporation (3203 W. 71<sup>st</sup> Street Property)**

Notice is hereby given that on March 25, 2025, Cuyahoga County Land Reutilization Corporation submitted to the Ohio Environmental Protection Agency ("Ohio EPA") a Notice of Entry in the RCRA and Voluntary Action Program Memorandum of Agreement Track (the "RCRA and VAP MOA Track"). The Cuyahoga County Land Reutilization Corporation Notice of Entry identifies the 3203 W. 71<sup>st</sup> Street Property, at 3203 W. 71<sup>st</sup> Street in Cleveland, Ohio, as the property to undergo a voluntary action through the RCRA and VAP MOA Track.

The RCRA and VAP MOA Track was established by the United States Environmental Protection Agency and Ohio EPA on November 8, 2007, to promote the cleanup and redevelopment of contaminated or potentially contaminated properties ("Brownfields") in Ohio. The RCRA and VAP MOA supersedes the VAP MOA, which was established by the two agencies on July 31, 2001.

The Notice of Entry, along with other documents regarding the voluntary action at the property, will be made available for public inspection at the Cleveland Public Library – Lorain Branch, at 8216 Lorain Avenue in Cleveland, Ohio, in accordance with the RCRA and VAP MOA.

If you have questions concerning the Notice of Entry or would like to review or obtain a copy of the Notice of Entry, please contact the Records Management Officer, Ohio EPA, Division of Emergency and Remedial Response, Voluntary Action Program, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.