

**PUBLIC NOTICE**  
**COVENANT NOT TO SUE/FINAL FINDINGS AND ORDERS**  
***Battery Park Master Association, Inc., Battery Park Development***

Notice is hereby given that on August 15, 2013, the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, issued a 2<sup>nd</sup> Amended Covenant Not To Sue/Final Findings and Orders to Battery Park Master Association, Inc. and Eveready Battery Company, Inc., the "Volunteers", for property known as Battery Park Development Site (the "Property").

The Volunteers conducted a voluntary action of the approximately 12.7703 acre-Property, which is located at the *former* address of 1280 West 73<sup>rd</sup> St., Cleveland, Cuyahoga County, Ohio. The 2<sup>nd</sup> Amended Covenant for the Property adds the use of a fence engineering control to the available options for engineered controls that can be relied upon to prevent exposures to the urban fill on the Property.

This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (the "Commission"), pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio", which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address: 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215.

If you would like to review a copy of the Covenant Not To Sue/Final Findings and Orders, please contact the Records Management Officer, Ohio EPA, Division of

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Environmental Response and Revitalization, P.O. Box 1049, Columbus, OH 43216-1049, or by telephone at (614) 644-2924.