



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korteski, Director

Re: Open Dumping
City of Sandusky, Erie County

September 9, 2010

Mr. Todd Hart
Hoty Builders
4918 Milan Road
Sandusky, Ohio 44870

Dear Mr. Hart:

On September 2, 2010, Brian Patterson and I representing Ohio Environmental Protection Agency (Ohio EPA), and Craig Ward representing Erie County Health District inspected the Tricor Marina property located on Water Street, Sandusky, Ohio. Dashay Jones was at the site, but not present during the inspection. A large soil dredging pile was noted on the western portion of the property. Railroad ties, plastic and metal piping was observed mixed in the soil dredging pile. These materials are defined as solid waste and construction and demolition debris. Please be aware that Ohio EPA has rules governing the disposal of solid waste and construction and demolition debris.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part), "'Solid waste' means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, . . . , and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste."

Construction and demolition debris is defined by OAC Rule 3745-400-01(F), "'Construction and demolition debris' or 'debris' means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways..."

OAC Rule 3745-400-01(E) states, "'Clean hard fill' means construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes."

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Ohio Revised Code (ORC) section 3734.03 states, "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."

OAC Rule 3745-27-05(C) states, "No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."

The owner/operator of the property is in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid waste.

Please remove, properly dispose and ensure open dumping of solid waste and illegal disposal of construction and demolition debris does not occur at your property in the future. Failure to comply with OAC Chapter 3745 may result in enforcement actions taken against the owner.

Please ensure the clean hard fill is used in accordance with OAC Rule 3745-400-05 (A)(4), "Used in legitimate fill operation for construction purposes or to bring the site up to a consistent grade, on site other than the site of generation, pursuant to paragraph (C) of this rule."

I have enclosed Ohio EPA DSIWM Doc. 0563, Clean Hard Fill, for your information.

Please respond to this letter, in writing, within fourteen (14) days indicating your willingness to comply with the above cited regulations. Please forward copies of receipts documenting proper disposal to:

Ohio EPA – NWDO
Attn: Susan Hardy
347 N. Dunbridge Road
Bowling Green, Ohio 43402

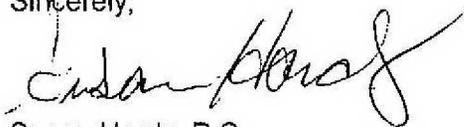
This correspondence addressed specific observations only for the areas of the property that were seen.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

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If you should have any questions please contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

Enclosure

Pc: Craig Ward, Erie County Health Department
City of Sandusky

File: ~~Erie County Dump Sites~~

Ec: Mike Reiser, DSIWM, NWDO