



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Certified Mail

91 7108 2133 3932 0808 2477

March 12, 2012

Mr. Don Icsman
City Manager
City of Sandusky Department of Development
222 Meigs Street
Sandusky, Ohio 44870

Re: Notice of Violation of Operation and Maintenance Agreement and Risk Mitigation Plan, Chesapeake Lofts Property (O&M #322-001646-008, RMP #322-001646-009)

Dear Mr. Icsman:

The Chesapeake Lofts property, located at 611 West Shoreline Drive, Sandusky, Ohio received a Covenant Not to Sue from Ohio EPA on December 21, 2007. This Covenant contains a Risk Mitigation Plan (RMP) and Operation and Maintenance Agreement (OMA) entered into by the City of Sandusky and the Ohio EPA. Chesapeake Lofts has failed to submit the annual O&M report and RMP report required under the agreement. 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).

The Covenant requires that certain risk mitigation measures be taken to minimize contact with soil, sediment, or ground water that may exceed the cleanup standards for the property. These risk mitigation measures are contained in the RMP.

Examples of actions that may cause an RMP to be implemented:

- Excavations of greater than 2 feet in depth
- Landscaping activities
- Installation of, or repair of utility lines
- Road repair and/or construction

Both the annual Operation and Maintenance report and the RMP report were due by March 1, 2012. In order that Chesapeake Lofts may return to compliance as quickly as possible, you must submit the annual O&M report and RMP report to Ohio EPA within 30 days of receipt of this letter. This information is needed so that Ohio EPA can ensure that the cleanup standards continue to be met at the property. If applicable standards are not maintained, the Covenant Not to Sue could be revoked.

If the RMP was implemented during the past calendar year, please provide a written report to Ohio EPA as required by the RMP. If the RMP was not implemented during the past year, please return the enclosed form indicating that no activities were conducted that caused you to implement the RMP. Please also take the time to update your contact information.

Additionally, please submit all annual reports to Ohio EPA as both the original paper report along with an electronic disk copy of the report in pdf format.

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

If you have any questions concerning this matter, please contact me at (614) 728-5441, or via email at Emily.Patchen@epa.state.oh.us.

Sincerely,



Emily Patchen
Compliance Coordinator
Division of Environmental Response & Revitalization
Central Office

cc: Mr. Dan Brown, CP #127
Partners Environmental Consulting, Inc.
31100 Solon Road, Suite G
Solon, Ohio 44139

Mr. Allen Kacenjar
Squire, Sanders & Dempsey, LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114

cc: Frank Robertson, Supervisor, DERR-CO
Brian Patterson, Site Coordinator, DERR-NWDO
Archie Lunsey, DERR-NWDO
CO/NWDO Files (O&M#322-001646-008 & RMP#322-001646-009)

**Ohio EPA Voluntary Action Program
Notice that RMP was NOT implemented
Chesapeake Lofts**

Directions:

Please sign and date this form. Provide any necessary corrections to the contact information. Return this form to:

Ohio EPA
50 W. Town St., Suite 700
P.O. Box 1049
Columbus, Ohio 43215

_____ No activities were conducted at this property during the reporting period that caused an implementation of the Risk Mitigation Plan.

Signature & Date

Printed Name & Title

Telephone Number: _____

E-mail Address: _____

Please return this form to Emily Patchen within 30 days if receipt.