



**Environmental
Protection Agency**

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

Re: City of Sandusky/Tricor Marina
Hazardous Waste
Erie County

July 19, 2012

Mr. Todd Roth, Director of Planning, Engineering and Development
City of Sandusky
222 Meigs Street
Sandusky, Ohio 44870

Ms. Kula Hoty Lynch, Corporate Counsel
Hoty Enterprises, Inc.
4918 Milan Road
Sandusky, Ohio 44870

Dear Mr. Roth and Ms. Lynch:

Thank you for your May 21, 2012, response, to Ohio EPA's May 16, 2012, Notice of Violation (NOV). On May 23, 2012, via email Mr. Todd Roth submitted a revised Sampling and Analysis Plan prepared by Partners Environmental (Partners) for the Son Rise Marina Stockpiles dated May 21, 2012. Likewise, I received a hard copy of this plan on May 25, 2012. This plan was submitted in response to the May 16, 2012, NOV, from Ohio EPA and addressed the waste evaluation violation for the waste stockpiles in question.

On May 30, 2012, I sent you an email with one comment to the revised sampling plan as outlined below:

- Ohio EPA would recommend in the QA/QC section (Section 2.1, Scope of Work) doing a field duplicate.

In addition, I stated in this email that you may go forward with coordinating sampling and that Ohio EPA would contact you with any additional comments.

On June 6, 2012, I emailed you with a response to your May 21, 2012, sampling and analysis plan. The comments from Ohio EPA (in totality) are outlined below:

- Ohio EPA would recommend in the QA/QC section (Section 2.1, Scope of Work) doing a field duplicate.
- Ohio EPA would recommend conducting some sort of screening of samples for VOCs to determine which samples to submit for VOCs analysis.

Mr. Todd Roth
Ms. Kula Hoty Lynch
July 19, 2012
Page 2

- The City of Sandusky (COS) should ensure to submit data reports submitted with enough QA/QC for Ohio EPA to conduct a review. For example, for TCLP analysis, Ohio EPA needs the pre-test information that most labs keep on bench sheets.
- The COS should state when the additional samples will be analyzed. For example, Ohio EPA may require additional samples to be analyzed if a statistical analysis indicates more samples are needed if the 90% UCL is within +/- 10% of the regulatory level.

At this time I stated again that the COS should be coordinating sampling and let Ohio EPA know when this sampling may occur.

I called you on June 18, 2012, and you stated at this time that you needed to submit the proposal for sampling to obtain funds for this project (though I am unsure of who you were submitting this proposal to).

I then emailed you on June 25, 2012, to inquire on the status of your sampling as well as asked you to submit an outline of when you estimate that sampling may occur. In addition, I stated that the COS should keep the project moving as we do not want too much more time to elapse as the COS remains out of compliance.

Mr. Todd Roth emailed me on June 27, 2012, stating that he had received a proposal from Partners to provide services and that it is a considerable amount and that he will have to go to the commission. He stated he would ask for another proposal from someone else and try to get commission approval at the next meeting with legislation later to ratify.

On June 29, 2012, I called and left Mr. Roth a message asking him to email me an outline of when this commission meeting would take place/ how much time he suspects to ratify legislation and an idea of when sampling may occur. I again explained that we need to keep the project moving as so much time has elapsed.

To date, I have not received a response.

Please note that the COS and Hoty remain in violation of OAC Rule 3745-52-11 cited in my March 29, 2012, NOV, until full compliance with waste evaluation (via sampling) is completed.

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance.

Mr. Todd Roth
Ms. Kula Hoty Lynch
July 19, 2012
Page 3

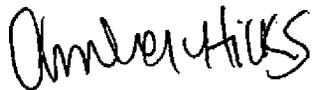
If circumstances delay the abatement of this violation, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please respond within 14 days of receipt of this letter notifying Ohio EPA when sampling may occur. In addition, **sampling of the waste piles should be completed within 30 days of your receipt of this letter.**

Please address all correspondence via the postal service to Amber Hicks, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio 43402 or electronically to amber.hicks@epa.ohio.gov. Should you have any questions, please feel free to call me at (419) 373-3082 or email me at amber.hicks@epa.ohio.gov.

You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov/dmwm.aspx>.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/cg

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Amber Hicks, DMWM, NWDO
John Pasquarette, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Brian Patterson, DERR, NWDO
Elizabeth Wick, DSW, NWDO
Erik Hagen, DERR, CO
Eric Getz, DO, NWDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.