



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

Re: City of Sandusky/Son Rise
Marina/Tricor Marina
Hazardous Waste
Erie County
Return to Compliance

November 2, 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 October 2, 2012 response to Ohio EPA's, March 29, 2012, Notice of Violation (NOV). On October 2, 2012, via email Mr. Todd Roth submitted a Sampling and Analysis Report dated September 10, 2012, prepared by ESC Lab Sciences (ESC) for the Son Rise Marina Stockpiles sampling event.

The sampling of the Son Rise Marina Stockpiles occurred on August 28, 2012, and was conducted by Al Brillinger of Partners Environmental Consulting, Inc. Mr. Roth was present for most of the sampling. Ohio EPA was present for the entire sampling event and was represented by Gary Deutschman, Division of Materials and Waste Management (DMWM), Sue Hardy, DMWM and the writer.

The results of the sampling indicate that the waste dredge material generated from the additional dredging of Tricor Marina for the Bayfront Paper District Redevelopment Project is a non-hazardous waste.

My review of this documentation reveals that the City of Sandusky (COS) and Hoty Commercial Builder, Ltd. (Hoty) have adequately demonstrated abatement of the violation as cited in my March 29, 2012, NOV as listed below:

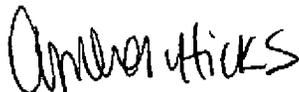
Violation	Date Violation Cited	Date Violation Abated
1. OAC Rule 3745-52-11 Waste Evaluation.	March 29, 2012	October 2, 2012

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Under current policy in Ohio governing contaminated soil, this material is not a "solid waste" as that term is defined in Ohio Administrative Code (OAC) 3745-27-01(S)(24). However we encourage you to consider managing the material through disposal in a licensed and permitted solid waste landfill. If you would choose to manage the material in that manner, solid waste disposal fees would not be applicable. If the material is left in place, the property owner (Hoty) and the COS may be liable for any environmental impacts resulting from the dredge placement at this location. While the material doesn't meet the strict definition of hazardous waste, there are measurable amounts of contaminants in the material. COS and Hoty should ensure that all applicable regulations have been followed under any other federal or state regulatory program (e.g. Voluntary Action Program, U.S. Army Corps of Engineers, etc.) pertaining to the management and disposal of the dredge material.

No response to this letter is necessary. If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/cg

pc: Lisa Gifford, 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
Mike Reiser, DMWM, 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.