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Sandusky Paper District Property Receives Covenant Not to Sue Under Ohio EPA's Voluntary Action Program

Through the voluntary efforts of the property owners, a Sandusky brownfield is ready for redevelopment after undergoing investigation and remediation under Ohio EPA's [Voluntary Action Program](#) (VAP). Ohio EPA has issued a covenant not to sue to the city of Sandusky (the volunteer) for the Bayfront Paper District redevelopment project.

The property consists of three subset properties along West Shoreline Drive and West Water Street. The property includes the former Chesapeake, Tricor and Keller properties. Issuance of the covenant is a significant milestone in the redevelopment of this brownfield.

The Keller and Chesapeake properties may be developed for commercial, industrial or restricted residential use. The Tricor parcel is suitable for commercial or industrial land uses. The Chesapeake property has been redeveloped as residential condominiums. The Tricor property is currently under development as a marina, grass amphitheater, small office building, parking lots and green space. Future use of the Keller property has not been determined.

The 14.27-acre property was used for various businesses dating to the 1890s, including cardboard and other paper manufacturing as well as a lumber yard, metal plating, machine shop, crayon and electric iron manufacturing. All of the former Tricor and Chesapeake properties were originally open water that was filled with materials transported from off-site. Sandusky currently owns the Keller and Tricor properties and Chesapeake Lofts Condominium Association owns the former Chesapeake property.

The Ohio Department of Natural Resources Office of Coastal Management also participated in the remediation plans to ensure appropriate use of the submerged lands under the Tricor and Chesapeake properties.

Following standards developed by Ohio EPA, the volunteer hired a certified environmental professional to assess the site, identify any areas of concern and remediate the contamination on the property to a level that allows for redevelopment.

The environmental investigation identified areas of concern. Remediation included engineering controls ranging from hard surface caps, soil cover, restricted access to the condemned buildings on the Keller property and a ban on use of the ground water under the site. A sub-slab depressurization system on the Tricor property will prevent soil vapor intrusion into buildings on the property. At the marina development, an armor stone system with a liner will be maintained to prevent surface soil erosion from the marina into Sandusky Bay.

A covenant not to sue protects the property's owner or operator and future owners from being legally responsible to the State of Ohio for further investigation and remediation. This protection applies only when the property is used and maintained in accordance with the terms and conditions of the covenant.

In the 16 years since Ohio EPA issued the first covenant under VAP, more than 6,000 acres of blighted land have been revitalized at more than 300 sites across the state.

