



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

October 9, 2008

**RE: LAWRENCE COUNTY
SITE - JOHN KEGLEY DUMP**

Mr. John Kegley
2229 Sohners Lane
Portsmouth, Ohio 45669

Dear Mr. Kegley:

The Southeast District Office of Ohio EPA conducted a followup inspection of your property on October 8, 2008, to determine compliance with the Director's Orders dated December 9, 2005, ("Director's Orders"). The property is located off of State Route 522, in Lawrence County, Ohio (the "Property"). The Property is an open dump of solid waste which includes abandoned cars.

I observed that you have removed some solid wastes and junk cars since my last inspection. However, junk cars remain on the property. I also observed that you are clearing the road to the northern part of the property; you have not completed the removal of all junk cars as agreed to in the Director's Orders. I counted a total of 57 junk cars and scattered auto parts that remain on your property. A total of 40 junk cars were observed near the entrance of the property and a total of 13 junk cars remained along the road behind the track hoe and 4 junk vehicles were observed at the back of the property. You should tow the cars in the back of the property to a staging area in the front of your property before winter weather or rainy weather prevents you from hauling the cars to a recycler.

Pursuant to the Director's Orders, you are required to provide Ohio EPA with receipts from the recycler or PSC Metals, Inc. where you have previously taken your junk cars in order to document your compliance. To date, you have only provided copies of a few receipts from your disposal activities.

1. OAC 3745-27-05(C) - 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 responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Solid wastes are dumped on the ground.

2. Director's Orders part V, at Order # 7, states that Respondent shall follow the following schedule to demonstrate the removal and proper disposal of all junk cars on the property:
 - a. Remove a total of 80 junk cars from the property on or before December 31, 2005;
 - b. Remove a total of 160 junk cars from the property on or before April 30, 2006;
 - c. Remove a total of 240 junk cars from the property on or before July 31, 2006;
 - d. Remove a total of 320 junk cars from the property on or before October 31, 2006;

LAWRENCE COUNTY
MR. JOHN KEGLEY
OCTOBER 9, 2008
PAGE 2

e. Complete the removal of all junk cars from the property on or before December 31, 2006.

The receipts that you have provided to me as of this date do not equal the amount of cars that you claim you have removed. You have not removed all of the junk vehicles from the Property as of December 31, 2006, as required by the Director's Order and OAC 3745-27-05(C).

3. Ohio Revised Code Chapter 3734.03 states in part, "No person shall conduct, permit, or allow open dumping."

Solid wastes remain dumped on the Property in violation of the statute and the Director's Orders.

4. ORC 3734.11(A) - No person shall violate any section of this Chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.

Presently, you are in violation of the above referenced statutes, rules and the Director's Orders for the clean up of the Property.

Open dumping of cars must cease immediately. All abandoned cars located on the Property must be removed and taken to a licensed solid waste disposal facility for proper disposal.

The Director's Orders provided a schedule for the clean up of the Property which you have failed to complete. Failure to comply with the Director's Orders may result in the referral of this matter to the Ohio Attorney General for escalated enforcement.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/cb

cc: Lawrence County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District
cc: Barry Chapman, DSIWM, CO
cc: Marty Cooper, OEPA, Legal