



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

February 26, 2007

**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 February 1, 2007, 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, appliances, trash and debris, and some tires.

I observed that car parts remain in the creek along with scattered litter. 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 although you are clearing the road to the northern part of the property, you have not completed the removal of all junk cars, tires and solid waste as agreed to in the Director's Orders.

You previously stated that you are taking the vehicles to PSC Metals, Inc. in Columbus, Ohio for recycling. The reason that you are taking the vehicles to this facility, which is approximately a 100 mile, one-way trip, is that they accept the junk cars with the tires and the automobile fluff that is in the vehicle. Pursuant to the Director's Orders, you are required to provide Ohio EPA with receipts from PSC Metals, Inc. in order to document your compliance. To date you have only provided copies of a few receipts from your disposal activities.

1. Director's Orders part V, at Order #6, states that within forty-five days after the effective date of the Orders, Respondent shall remove and dispose of all solid wastes from the creek located on the property. Respondent shall dispose of the solid waste at a licensed solid waste disposal facility.

You have not removed all of the solid wastes and abandoned vehicles from the creek. This is a violation of Order # 6 and OAC 3745-27-05(C) which states as follows:

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, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734, 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;
 - e. Complete the removal of all junk cars from the property on or before December 31, 2006.

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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 6111.04(A)(1) - No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

Abandoned car parts and other solid wastes remain dumped in the creek in violation of the statute and the Director's Orders.

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 and solid wastes must cease immediately. All abandoned cars and solid wastes 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. Please give your immediate attention to the removal of all abandoned cars, car parts and other solid wastes remaining in and near the creek area of your property to stop the contamination of surface waters of the state. Failure to comply with the Director's Orders may result in the referral of this matter to the Ohio Attorney General for escalated enforcement.

Please be advised that the disposal facility located nearest to you in Ohio is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. You may choose to use other permitted and licensed facilities as well.

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/jg

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