



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

October 18, 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 October 17, 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 met with you at the property to discuss the Director's Orders and to observe your progress towards compliance. I observed that you have removed the car parts from 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, and solid waste as agreed to in the Director's Orders. On this inspection I observed that you had four (4) cars loaded on your low boy trailer and was in the process of hauling these junk cars to PCS Metals.

You 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. 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;

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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.

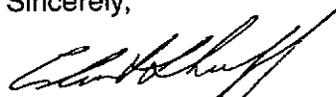
Open dumping of cars must cease immediately. All abandoned cars located on the Property must be removed and taken to a licensed solid waste disposal facility for proper disposal.

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/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