



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 7, 2010

**RE: SCIOTO COUNTY
FAC - PORTSMOUTH TRANSFER FACILITY**

Portsmouth Service Department
55 Mary Ann Street
Portsmouth, Ohio 45662

Attn.: Bill Beaumont, Public Service Director

**RE: Portsmouth Transfer Facility – June 8, 2010 - Inspection
Notice of Violation**

Dear Mr. Beaumont:

On June 8, 2010, Clint Shuff of this office and I conducted an inspection of the solid waste transfer facility located adjacent to Elm Street in Portsmouth, Ohio. The facility is owned by the City of Portsmouth and is staffed and operated by Pike Sanitation, Inc. of Waverly, Ohio. The following observations and violations were noted at the time of the inspection.

All solid waste being transferred from hauling vehicles to the compacting unit is not being contained. A portion of the solid waste being transferred is spilled on the floor around both the unloading vehicle and compacting unit. In addition, each time the Pike Sanitation transfer trailer pulls away from the compacting unit, a few yards of waste was observed falling out of the trailer onto the truck pad. Considerable spillage of waste was also noted during switch out of the trailer.

It was also noted that the transfer trailers being used by Pike Sanitation, Inc. to haul transferred waste to the landfill appear to have a capacity exceeding fifty cubic yards. Steel barriers had at one time been welded into each truck to reduce the aggregate volume. However, in two trailers waiting to receive waste on site we observed that the barriers have been pushed to the rear of the trailers by repeated compaction activity and are no longer functioning to restrict the volume of waste transferred to each trailer. In response to our questions, Pike Sanitation personnel stated that all of the trailers used for waste transfer are in similar condition.

Based on our observations during the inspection, the operation of the transfer facility does not meet the exemption from licensing and permitting contained in Ohio Administrative Code (OAC) Rule 3745-27-03(A)(11). OAC Rule 3745-27-03(A)(11) allows for the unlicensed operation of a solid waste transfer facility that consists solely of portable containers and that have an aggregate volume of fifty cubic yards or less and where no waste is placed on the ground or waste handling floor. The operations observed at the facility do not meet the conditions for this exemption. Therefore, Pike Sanitation and the City of Portsmouth are operating an unlicensed, unpermitted solid waste transfer facility. As such, you are in violation of the following Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) Laws and Rules.

ORC 3734.05(A)(2)(b) states: Each person proposing to open a new solid waste transfer facility or to modify an existing solid waste transfer facility shall submit an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the environmental protection agency for required approval.

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Pike Sanitation and the City of Portsmouth are in violation of this law as the solid waste transfer facility is currently operating without the required approval.

ORC 3734.02(C) states: No person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering details, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

Pike Sanitation and the City of Portsmouth are in violation of this law by operating a solid waste transfer facility without receiving a permit issued by the director.

OAC 3745-27-21(A) states: A permit to install application, as required by section 3734.05 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the solid waste transfer facility is begun.

Pike Sanitation and the City of Portsmouth have not submitted a permit to install application to the director, nor received an approval from the director for the establishment, modification or operation of a solid waste transfer facility.

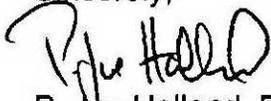
OAC 3745-37-01(A) states: No person shall conduct transfer facility operations without possessing a valid license as required by Chapter 3734 of the Ohio Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the Board of Health in the health district in which the facility is located.

Pike Sanitation and the City Portsmouth do not have a valid license to operate as required by this rule.

Please respond to this letter within fifteen days to inform me of your intentions and actions taken to abate the above noted violations and return to compliance. If you cannot modify the operations to return to compliance with the conditions required for exemption, a Permit-to-Install and a license must be obtained from Ohio EPA for operation of this facility.

Should you have any questions, feel free to contact me at (740) 380-5439.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

PJH/jg

cc: Mike Trapp, Scioto County Health Department
Dan Palmer, Lawrence and Scioto County Solid Waste Management District
Peggy Burton, Portsmouth City Health Department
Michael Migyanko, Pike Sanitation, Inc.