



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

September 19, 2008

**RE: SCIOTO COUNTY  
SITE - GENERAL**

Mr. William Montavon  
8414 Carey's Run Pond Run Road  
West Portsmouth, Ohio 45662

Dear Mr. Montavon:

The Southeast District Office of Ohio EPA received a complaint that open dumping of solid waste is occurring off of Dry Run Road, in West Portsmouth, Scioto County, Ohio.

I conducted an inspection of the site on September 10, 2008, September 15, 2008, and September 18, 2008. During the September 10, 2008, inspection, it was reported that loggers of Ohio Valley Veneer from Piketon, Ohio, who are logging your property uncovered a dump. During this inspection, I observed that litter had been uncovered by the loggers in the county road right-of-way which is 40 feet in this section of Dry Run Road according to the Scioto County Engineers Office. The loggers were placing the litter in garbage bags for removal and to be thrown into a dumpster that they have on site.

During the September 18, 2008, inspection, I met with you to discuss the litter and dumping that has occurred off of Dry Run Road over the years and has rolled onto your property. Your property is downhill of Dry Run Road; the topography is very steep off of Dry Run Road to your property.

You stated that you purchased the property in 1992 from your father and that he had owned the property for only a couple of years. You stated that you have tried to prevent the open dumping and littering along Dry Run Road by contacting the Scioto County Sheriff's Office, the Scioto County Engineers Office, the Lawrence and Scioto County Solid Waste Management District Office and the Ohio EPA. You constructed a fence along the right-of-way and placed no dumping signs to help decrease the amount of waste that has been dumped.

Currently, approximately 71 acres of your property is being logged. You stated that you want to clean up the waste on your property and that you would like to see if there is government help since you did not create the litter or waste areas. You stated the waste was dumped on the Dry Run Road right-of-way and because the right-of-way was not maintained, the waste rolled onto your property.

During this inspection I observed approximately 75 scrap tires and an undetermined amount of litter and waste that has rolled down the hill onto your property. Once the area is logged and the leaves are off of the remaining trees, a better determination of the amount of waste can be assessed.

As the property owner, you are responsible for the solid waste violations that exist on your property.

Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

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Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

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.

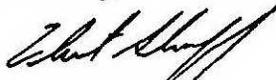
All solid wastes disposed at the described location must be removed from the property, and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office in order to document your compliance. Please respond to this District Office within ten days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump.

The disposal facility located nearest to you 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 the letter, or the solid and infectious waste provisions contained on ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his or her 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: Mike Trapp, Scioto County Health Department  
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District