



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

March 25, 2010

**RE: SCIOTO COUNTY  
SITE – GENERAL  
30001303**

McGovney Ready Mix  
Attn.: Dave Kegley  
55 River Avenue  
Portsmouth, Ohio 45662

Dear Mr. Kegley:

The Southeast District Office of Ohio EPA received a complaint that open dumping of solid waste, and scrap tires is occurring off 6th Street in Portsmouth, Ohio. Some of the waste is in roll-off boxes, and it was reported that the waste has been there for some time. This property is located near the Portsmouth City Transfer Station parcel number 33-1107.000.

I conducted an inspection of the property on March 22, 2010. I observed solid wastes and several scrap tires on the ground.

Property records obtained from the Scioto County Court House indicates that this property belongs to you.

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).

Presently, you are in violation of the following referenced rules:

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.

Open dumping of solid waste and scrap tires, must cease immediately. All solid wastes, and scrap tires 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.

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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 or Donna Goodman at 740-380-5246 or 740-380-5293. A separate letter from DHWM will be forthcoming.

Sincerely,



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

CAS/jg

cc: Mike Trapp, Scioto County Health Department  
cc: Peggy Burton, Portsmouth City Health Department  
cc: Lawrence and Scioto County Solid Waste Management District