

The City of Portsmouth

"Where the Ohio and Scioto Meet"

Department of Law
Municipal Building

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David W. Kuhn
City Solicitor



State of Ohio

March 27, 2007

Timothy J. Kern
Assistant Attorney General
Environmental Enforcement Section
Public Protection Division
30 E. Broad St.
Columbus, OH 43215-3400

Re: State of Ohio, ex rel. Marc Dann, Attorney General of Ohio v. New Boston Coke
Case No. 99-CIG-003

Dear Mr. Kern,

Thank you for a copy of the answer you filed in the captioned matter on behalf of the Ohio EPA. In your answer, you indicated that you were unsure of the current status of the communications between the City of Portsmouth and the Ohio EPA. Enclosed is a copy of a recent memo sent to me by the Public Utilities Director (Water), which sets forth the current status of the communications and efforts between the City of Portsmouth and the Ohio EPA.

We will keep you further advised.

Very truly yours,

A handwritten signature in cursive script that reads "David W. Kuhn".

David W. Kuhn
City Solicitor

DWK:kh

Enclosure

cc: Joe Kirby, Esq.
James D. Kalb, Mayor
Sam Sutherland, Public Utilities Director (Water)
City Council



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PORTSMOUTH, OHIO 45662

**CITY OF PORTSMOUTH
PUBLIC UTILITIES DEPARTMENT**

TELEPHONE: 740 / 456-4946
FAX: 740 / 456-4528

SAM SUTHERLAND
PUBLIC UTILITIES DIRECTOR-WATER

TO: David Kuhn., City Solicitor

FROM: Sam Sutherland, Public Utilities Director- Water

SUBJECT: New Boston Coke Property

COPIES: File, Mayor Kalb

DATE: March 26, 2007

Dear David:

In response to our conversation we have completed a Phase I Environmental Assessment and a Phase II Investigation Sampling and Analysis of the 2.1 acres of New Boston Coke Property. Upon completion of the Phase II Study we met with Ohio EPA and it was determined some additional sampling was necessary. Since that time we have requested that they guide us on where the sampling points should be and also what analysis should be performed. They responded that we should apply for Grant-Funded Technical Assistance in order for the agency to be able to determine that information. I have completed the application and am forwarding it on to Julie Weaver of Brown Services for her review.

Please advise me if you need anything further or if I can assist you in any other way.

Sincerely,

Sam Sutherland, Public Utilities Director- Water