

Tusc - General

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Joann Conner</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>JOANN CONNER</i> <i>6.6.07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.1em; margin-left: 20px;"><i>Mr. Marvin Bates Copperhead Coal 2455 Township 246 Toronto, OH 43964</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number 7006 3450 0001 9054 5942 <small>(Transfer from service label)</small></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$.41	
Certified Fee	2.65	
Return Receipt Fee <small>(Endorsement Required)</small>	2.15	
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage & Fees	\$ 5.21	

Sent To *Marvin Bates, Copperhead Coal*

Street, Apt. No., or PO Box No. *2455 TR 246*

City, State, ZIP+4 *Toronto, OH 43964*

PS Form 3800, August 2006 See Reverse for Instructions

7006 3450 0001 9054 5942



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

CERTIFIED MAIL: 7006 3450 0001 9054 5942

June 1, 2007

**TUSCARAWAS COUNTY
GENERAL FILE
COPPERHEAD COAL
RCRA/UOG
NON-NOTIFIER**

Mr. Marvin Bates
Copperhead Coal
2455 Township 246
Toronto, Ohio 43964

Dear Mr. Bates:

On February 1, 2007, Ohio EPA and the Tuscarawas County Health Department conducted a compliant investigation to determine the validity of a complaint that was received by this office on January 12, 2007 and to determine your company's compliance with Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively). The complainant alleged that containers of used oil were leaking onto the ground and numerous drums and a tanker had been abandoned at the Copperhead facility located at 8292 Angel Road Sugarcreek, Ohio in Tuscarawas County. I sent you a Notice of Violation (NOV) letter on February 9, 2007, specifying the violations observed during the inspection. I issued a second NOV to the company on March 21, 2007. To date, Copperhead Coal has failed to respond to the February 9, 2007 and March 21, 2007 NOV letters and remains in violation of the following:

- (1) **Hazardous waste determination, OAC rule 3745-52-11:** Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste.

During the complaint investigation, several 55-gallon containers (outside of a small garage and containers in the barn) and a tanker full of sludge and liquid were observed. Copperhead Coal must determine if the contents of these containers and the tanker are a hazardous waste as required by this rule. To demonstrate compliance with this rule, Copperhead Coal must submit analytical data for these containers and tanker to Ohio EPA for review

- (2) **Used oil storage requirements for generators, OAC rule 375-279-22(C):** Containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly.

Mr. Marvin Bates
Copperhead Coal
June 1, 2007
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During the complaint investigation, the used oil containers were not labeled as required by this rule. To demonstrate compliance with this rule, photographic documentation must be submitted to Ohio EPA demonstrating that all used oil containers have been labeled as required.

- (3) **Used oil storage requirements for generators, OAC rule 375-279-22(D)**: Upon detection of a release of used oil to the environment a generator shall clean up and manage properly the release used oil and other materials.

During the complaint investigation, used oil contaminated soils were observed around leaking containers near the barn. As required by this rule, Copperhead Coal must clean-up the contaminated soils. To demonstrate compliance with this rule, photographic documentation must be submitted to Ohio EPA demonstrating that the contaminated soil has been removed and disposed of properly.

Please submit the above requested documentation to this office **within 7 days** of receipt of this letter demonstrating that all violations have been abated.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past Notices of Violations may result in referral of Copperhead Coal Company's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Should have any questions, please feel free to call me at 740-380-5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

cc: Mike Chek, Tuscarawas County Health Department
Dale Warner, DSIWM-SEDO
Harry Sarvis, DHWM-CO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.