

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) <i>JOANN CONNER</i></p> <p>C. Date of Delivery <i>2-12-07</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><i>Mr. Marvin Bates Copperhead Coal 2455 TR 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 (Transfer from service label)</p>	<p>7006 0100 0003 5620 2754</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

7006 0100 0003 5620 2754

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64
	
<p>Sent To: <i>Marvin Bates, Copperhead Coal</i></p> <p>Street, Apt. No., or PO Box No.: <i>2455 TR 246</i></p> <p>City, State, ZIP+4: <i>Toronto, OH 43964</i></p>	
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>	



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 0100 0003 5620 2754

February 9, 2007

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

Mr. Marvin Bates
Copperhead Coal
2455 Township Road 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.

During the investigation, we observed several areas of oil stained ground, leaking used oil containers, several 55-gallon containers, and a full tanker at the facility near the office and barn.

We found the following violations of Ohio's hazardous waste law. In order to correct these violations, you must do the following and send me the required information **within 30 days** of your receipt of this letter:

- (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 and a tanker full of sludge and liquid was 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.

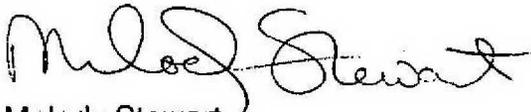
During the complaint investigation, the used oil containers were not labeled as required by this rule. To demonstrate compliance with this rule, photographic documentation must be submitted to Ohio EPA demonstrating that all used oil containers have been labeled as required.

- (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.

Should you have any questions, please feel free to contact me at (740) 380-5278.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

cc: Mike Chek, Tuscarawas County Health Department
Dale Warner, DSIWM-SEDO

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 appropriate regulations.

E-mail this completed form to tammv.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM		For Ohio EPA use only																					
2. Site EPA ID No.	EPA ID Number: Non-notifier																							
3. Site Name	Name: Copperhead Coal		Website (optional):																					
4. Site Location Information	Street Address: 8292 Angel Road																							
	City, Town, or Village: Sugarcreek	State: OH																						
	County Name: Tuscarawas	Zip Code: 44681																						
5. Site Land Type (check only one)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Private	County	District	Federal	Indian	Municipal	State	Other	X												
Private	County	District	Federal	Indian	Municipal	State	Other																	
X																								
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.																					
	C.		D.																					
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: Marvin		MI:																					
	Last Name: Bates																							
	Phone Number:		Phone Number Extension:																					
	E-Mail Address:																							
	Fax Number:		Fax Number Extension:																					
	Street or P.O. Box: 2455 Township Road																							
	City, Town or Village: Toronto																							
State: Ohio		Country: Jefferson	Zip Code: 43964																					
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):																					
	Owner Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							Private	County	District	Federal	Indian	Municipal	State	Other	X							
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	X																							
	Street or P.O. Box: 2455 Township Road																							
	City, Town, or Village: Toronto		Owner Phone #:																					
	State: Ohio		Country: Jefferson	Zip Code: 43964																				
	B. Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):																					
	Operator Type: Mark with an X	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Private</td> <td>County</td> <td>District</td> <td>Federal</td> <td>Indian</td> <td>Municipal</td> <td>State</td> <td>Other</td> </tr> <tr> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							Private	County	District	Federal	Indian	Municipal	State	Other	X							
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X																								
Street or P.O. Box:																								
City, Town, or Village:		Operator Phone #:																						
State:		Country:	Zip Code:																					
9. Violations Cited? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																								
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.) <input type="checkbox"/> Not Regulated																								

