Environmental
Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 13, 2012

**RE: PERRY COUNTY
FAC-TUNNELL HILL RECLAMATION
COM**

Tunnel Hill Partners, LP
Attention: Rod Deeds, General Manager
P.O. Box 625
New Lexington, OH 43764

**Subject: Notice of Violation,
Failure to Control Odors and Implement Odor Management Plan**

Dear Mr. Deeds:

On January 9, 2012, I conducted limited odor monitoring to determine if odors were present in the community close to Tunnel Hill Reclamation. While in transit, I passed through Perry County and across Tunnel Hill Road which passes just south of Tunnell Hill Reclamation. Some odors were noticed during the morning (9:30 a.m.) passage. During my return trip (5:30 p.m.), I made a point to turn north on Township Road 208 and proceeded to the gravel turnoff a couple hundred feet up. At that location, I exited the car, smelled for any odors and concluded that odors were present. These odors were distinct, definite and clearly detectable. As summarized and categorized below, I thought these odors were a 2 on the Division of Materials and Waste Management's odor intensity scale.

January 9, 2012 North of the intersection of Tunnel Hill Rd. and Twp. Rd. 208 (odor intensity 2)

Odors were evaluated on a 0-4 odor intensity scale, with 4 being an odor so strong as to be overpowering and intolerable for any length of time, a 3 being an odor strong enough to cause a person to avoid it completely, a 2 being a distinct and definite odor whose characteristic is clearly detectable, a 1 being an odor concentration which is just barely detectable and a 0 being a concentration of a odorant which produces no sensation.

Due to the presence of these offensive odors and Tunnel Hill Partners, LP's failure to strictly control odors, Tunnell Hill Reclamation is in continuing violation of Ohio Administrative Code (OAC) Rule 3745-27-19(B)(3). Tunnell Hill Reclamation is also in continuing violation of OAC Rule 3745-27-19(B)(2) and Ohio Revised Code (ORC) Sections § 3734.11(A) and (B) for failing to implement all appropriate odor monitoring practices, best management practices and control systems in order to control odors as required by the Odor Management Plan contained in Tunnell Hill Reclamation's Permit-to-Install No. PTI No. 06-08443, approved September 1, 2011.

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

PERRY COUNTY
TUNNELL HILL RECLAMAMTION
PHASE 2 OF 2

OAC Rule 3745-27-19(B)(3) states "The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."

OAC Rule 3745-27-19(B)(2) states "The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including (the) permit to install..."

ORC Section § 3734.11 states in part that, "(A) no person shall violate any section of this chapter, any rule adopted under it, or any order issued under Section § 3734.13 of the Revised Code. (B) No person who holds a permit or license issued under this chapter shall violate any terms and conditions of the permit or license."

Tunnel Hill Partners, LP needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws and their Odor Management Plan.

Within 14 days of receipt of this letter, Tunnel Hill Partners, LP is requested to provide documentation to the Southeast District Office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies and photographs, as appropriate, and may be submitted via the postal service or electronically to craig.walkenspaw@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with ORC Chapter § 3734 and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. If circumstances delay the abatement of violations, Tunnel Hill Partners, LP is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, I may be contacted at 740-380-5440 or the e-mail address noted above.

Sincerely,

Craig Walkenspaw
District Engineer
Division of Materials and Waste Management

CW/cb

cc: Carey Bowers, Perry County Health Department
cc: Carl Mussenden, CO-DMWM
cc: Erika Jackson, SEDO-DMWM