



**Environmental
Protection Agency**

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

January 9, 2012

**RE: PERRY COUNTY
FAC – TUNNELL HILL RECLAMATION
NOV**

Tunnel Hill Partners, LP
Attn: Rod Deeds, General Manager
PO Box 625
New Lexington, Ohio 43764-0625

RE: Notice of Violation

Dear Mr. Deeds:

On December 29, 2011, Ohio EPA and Perry County Health Department received a complaint concerning odors coming from the Tunnell Hill Landfill. On January 3, 2011 Dan Bergert and Erika Jackson representing Ohio EPA conducted odor monitoring to determine if any odors were present in the community close to Tunnell Hill Landfill.

Offensive, uncontrolled landfill odors were found at the locations and intensity level as listed below:

January 3, 2011: 3015 Township Road 208 (odor intensity 3), east of the landfill.

Ohio EPA evaluated the odors found 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.

On January 4, 2011, Ohio EPA received another complaint on the odors coming from the facility which was verified by the previous day inspection of the facility. The Perry County Health Department and Ohio EPA will continue to work together to investigate odor complaints as they are received.

Due to the presence of these offensive odors and Tunnel Hill's failure to strictly control odors, Tunnell Hill Landfill continues to be in violation of Ohio Administrative Code (OAC) rule 3745-27-19(B)(3).

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Tunnel Hill Partners, LP needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Tunnel Hill Partners, LP is requested to provide documentation to this 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 erika.jackson@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. 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, please contact me by phone at 740-380-5228, or e-mail Erika.Jackson@epa.state.oh.us.

Sincerely,



Erika Jackson, R. S.
Environmental Specialist II
Division of Materials and Waste Management

EJ/cb

cc: Cary Bowers, S.I.T., Perry County Health Department
cc: Craig Walkenspaw, SEDO-DSIWM