

**Environmental
Protection Agency**

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

March 26, 2012

**PERRY COUNTY
FAC-TUNNELL HILL RECLAMATION
COM- NOV**

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

Dear Mr. Deeds:

On March 19, 2012, I conducted odor monitoring to determine if odors were present in the community close to Tunnel Hill Reclamation. Some odors were noticed on Township Road 208. At these locations, I observed a rotten egg odor typical of hydrogen sulfide.

March 19, 2012, 3:22 p.m. at 3035 and 3020 Township Road 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).

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."

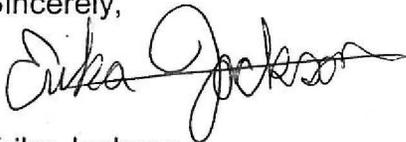
Within 14 days of receipt of this letter, Tunnel Hill Partners, LP is requested to provide documentation to the Southeast District Office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies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

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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 740-380-5228 or the e-mail address noted above.

Sincerely,

A handwritten signature in black ink that reads "Erika Jackson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Erika Jackson
Environmental Specialist II
Division of Materials and Waste Management

EJ/sb

cc: Carey Bowers, Perry County Health Department
cc: Craig Walkenspaw, SEDO-DMWM
cc: Kelly Jeter, CO-DMWM