



**Environmental
Protection Agency**

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

June 18, 2012

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

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

Subject: Notice of Violation, Failure to Control Odors

Dear Mr. Deeds:

On June 12, 2012, Craig Walkenspaw and I conducted an inspection of Tunnell Hill Reclamation (Facility). As part of the inspection, we conducted odor monitoring to determine if odors were present in the community close to the Facility. During our inspection, hydrogen sulfide odors were detected east of the Facility near 3015 Township Road 208. These odors were distinct, definite and clearly detectable. As summarized and categorized below, these odors were a 2 on the Division of Materials and Waste Management's odor intensity scale.

June 12, 2012 at 10:40 a.m., 3015 Township Road 208, hydrogen sulfide odors were detected (odor intensity 2).

As part of my inspection, I reviewed the daily logs. We also visited the working face, the south flare and the current construction of phase 1H-B. I requested that you accompany us to the area where Craig and I detected hydrogen sulfide odors prior to entering the site. At 11:20 a.m., we detected hydrogen sulfide odors but it was barely detectable at that time. We agreed that the odor intensity at that time was a "1" on Ohio EPA's odor intensity scale.

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).

PERRY COUNTY
TUNNELL HILL RECLAMATION
JUNE 18, 2012
PAGE 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.*"

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 include 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.

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,



Erika Jackson
Environmental Specialist II
Division of Materials and Waste Management

EJ/cb

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