



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

January 29, 2013

**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 of Director's Final Findings and Orders

Dear Mr. Deeds:

On October 19, 2012, the Director of Ohio EPA issued Final Findings and Orders (the Orders) to Tunnel Hill Reclamation, LLC (Respondent). The Orders were issued in response to several odor violations cited between December 14, 2011 and September 25, 2012, by Perry County Health Department and Ohio EPA. Pursuant to the Orders, the Respondent was required to submit an odor management plan no later than Tuesday, December 18, 2012.

Tunnell Hill is in violation of Section V, Order No.3.

The order states in part..."No later than sixty (60) days after effective date of these Orders Respondent shall prepare and submit for Ohio EPA approval a plan for detection and response to hydrogen sulfide and other odors at the facility."

Within 14 days of receipt of this letter, Tunnel Hill Partners, LLC 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, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

TUNNELL HILL RECLAMATION
JANUARY 29, 2013
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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, appearing to read "Erika Jackson", with a long, sweeping horizontal line extending to the right.

Erika Jackson
Environmental Specialist II
Division of Materials and Waste Management

EJ/mr

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