



November 18, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. A. Stanley Meiberg, Acting Regional Administrator
U.S. Environmental Protection Agency-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: **Notice of Acceptability Pursuant to the CERCLA Off-site Rule**
Perry County Associates Landfill
Perry County, Alabama

Dear Mr. Meiberg:

On January 16, 2008, you “made an affirmative determination of acceptability for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes at the Perry County Associates Landfill (PCA Landfill) located along Cahaba Road at Route 2, Box 110A in Uniontown, Alabama.” This determination was based on representations by the Alabama Department of Environmental Management that the landfill “does not currently have any relevant violations” EPA noted that this determination is subject to rescission.

As is reflected in the enclosed letter to Perry County Associates, LLC dated November 18, 2009, Perry County Associates, LLC is discharging pollutants contained in leachate generated at the PCA Landfill, through the Marion Wastewater Treatment Plant, into Rice Creek, a water of the State, in violation of the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-99(g) and 22-22-9(i)(3), and Ala. Admin. Code R. 335-6-5-.04(2).

Based on these ongoing violations, I request, on behalf of my client, Jackie Fike, that you immediately rescind the determination of acceptability previously granted to Perry County Associates, LLC for the PCA Landfill.

Sincerely,

David A. Ludder



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 4
 ATLANTA FEDERAL CENTER
 61 FORSYTH STREET
 ATLANTA, GEORGIA 30303-8960

JAN 16 2008

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Mr. John Delvac, Director of Operations
 Perry County Associates Landfill
 Route 2 Box 110A
 Uniontown, Alabama 36786

SUBJ: **Notice of Acceptability Pursuant to the CERCLA Off-Site Rule**
 Perry County Associates Landfill
 Perry County, Alabama

Dear Mr. Delvac:

The U.S. Environmental Protection Agency (EPA), Region 4, has made an affirmative determination of acceptability for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes at the **Perry County Associates Landfill (PCA Landfill) located along Cahaba Road at Route 2 Box 110A in Uniontown, Alabama.** The wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA and transferred off-site. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR), 40 CFR § 300.440.

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, by adding section 300.440, now known as the OSR. The rule implements and codifies the requirements contained in Section 121(d)(3) of CERCLA, and incorporates many provisions of the November 13, 1987, Office of Solid Waste and Emergency Response Directive (No. 9834.11), known as the Off-Site Policy.

The OSR establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA wastes, and outlines the actions affected by the standard. The OSR requires that prior to a facility's initial receipt of CERCLA wastes, EPA shall determine if there are relevant releases and/or relevant violations at the facility. EPA believes that affirmative determinations of "compliance" and "control of releases" are necessary before a facility may be deemed acceptable for the receipt of CERCLA wastes.

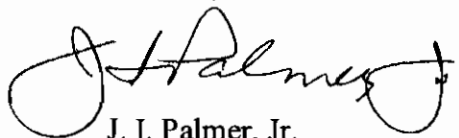
PCA Landfill has a Solid Waste Permit (#53-03) and a General NPDES Industrial Permit (ALG160000) issued by the Alabama Department of Environmental Management (ADEM). This facility has a latitude of 32° 25' 55" and a longitude of 87° 28' 41".

Pursuant to 40 CFR § 300.440(a)(4) of the OSR, EPA has completed its assessment of PCA Landfill. Based on recent telephone conversations between EPA and ADEM personnel, this facility does not currently have any relevant violations or relevant releases under any of the environmental programs that regulate the facility. **Therefore, effective upon receipt of this letter, PCA Landfill is acceptable to receive non-hazardous CERCLA waste.**

Please note that this determination is subject to the accuracy and completeness of the information provided by both facility representatives and regulatory personnel. Additionally, EPA would like to make it clear that this affirmative determination of acceptability does not, and cannot, grant any facility the right or authority to exceed any of its permit or license provisions; receive any waste not allowed by its permits or licenses; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA OSR status for a facility is dynamic in nature and is subject to change. EPA reserves its right to rescind this Notice of Acceptability pursuant to the OSR if necessary. If you have any questions concerning this matter, please contact Jack Cowart at (404) 562-8591 or cowart.jack@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", with a large, stylized flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

cc: Alan Sheehan, ADEM, Solid Waste
• Bill Pace, ADEM, NPDES •