

December 7, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Mr. John Porter, Executive Vice President
Perry County Associates, LLC
3280 Peachtree Road NW
Suite 1400
Atlanta, Georgia 30305

**Re: Notice of Intent to File Suit for Violation of State Implementation Plan for Alabama
under the Clean Air Act**

Dear Messrs. Delvac and Porter:

Pursuant to the Clean Air Act § 304, 42 U.S.C. § 7604, and 40 C.F.R. Part 54, you are hereby notified that after the expiration of 60 days following service of this notice, Maurice Johnson, who resides at Route 2, Box 125, Uniontown, Alabama; Bennie Carter, who resides at Route 2, Box 113A, Uniontown, Alabama; Della Dial, who resides at Route 2, Box 111, Uniontown, Alabama; Jerry Lee and Cynthia Thomas Holmes, who reside at Route 2, Box 113B, Uniontown, Alabama; Ruby Lee Holmes, who resides at Route 2, Box 114A, Uniontown, Alabama; Rev. James R. and Ella White Murdock, who reside at Route 2, Box 122C, Uniontown, Alabama; Dorothy Tucker, who resides at Route 2, Box 114AA, Uniontown, Alabama, intend to file suit against Perry County Associates, LLC for the violations described below.

Violation of State Implementation Plan for Alabama

Pursuant to Clean Air Act § 110, 42 U.S.C. § 7410, the State of Alabama adopted and the U.S. Environmental Protection Agency (EPA) approved, Ala. Admin. Code R. 335-3-1-.02 and 335-3-1-.08 as part of the State Implementation Plan for Alabama. Ala. Admin. Code R. 335-3-1-.08 provides:

No person shall permit or cause air pollution, as defined in Rule 335-3-1-.02(1)(e) of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Rule 335-3-1-.03(1).

"Air Pollution" means "the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property . . ." Ala. Admin. Code R. 335-3-1-.02(1)(e). "Air Contaminant" means "any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source." Ala. Admin. Code R. 335-3-1-.02(1)(d). "Odor" means "smells or aromas which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health. Odor and smell are used interchangeably herein." Ala. Admin. Code R. 335-3-1-.02(1)(ss).

Since July 2009, Perry County Associates, LLC has been operating the Perry County Associates, LLC Landfill in such manner as to permit or cause the presence of one or more contaminants, including odors, in the outdoor atmosphere which are injurious to human health and welfare, interfere with the enjoyment of life and property, are unpleasant to persons, tend to upset appetite, lessen food intake, interfere with sleep, produce irritation of the upper respiratory tract, and cause dizziness, headache, nausea and vomiting. Accordingly, Perry County Associates, LLC is permitting or causing air pollution in violation of Ala. Admin. Code R. 335-3-1-.08, the State Implementation Plan for Alabama, and the Clean Air Act.

Civil penalties of up to \$37,500 per violation per day may be assessed by the court. Suit may be avoided if these violations have been permanently abated before the expiration of 60 days following service of this notice. Please advise the undersigned of any measures that you may undertake which you contend have permanently abated these violations before suit is filed.

Sincerely,



David A. Ludder

cc:

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Hon. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

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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

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Hon. Onis "Trey" Glenn, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

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The Corporation Company
Registered Agent for Perry County Associates, LLC
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

Hon. Bob Riley, Governor
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130