

December 22, 2009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. John K. Porter, Jr., Managing Member  
Perry County Associates, LLC  
3280 Peachtree Road NE  
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 Mr. 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, the Uniontown, Alabama residents identified in the attached list 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 located at Route 2, Box 110A, Uniontown, Alabama 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,

A handwritten signature in cursive script that reads "David A. Ludder".

David A. Ludder

cc:

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Hon. A. Stanley Meiburg, Acting Regional Administrator  
U.S. Environmental Protection Agency-Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-3104

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Hon. John P. Hagood, Director  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
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

Rev. James R. Murdock  
Ms. Ella White Murdock  
Route 2, Box 122C  
Uniontown, AL 36786

Mr. Maurice Johnson  
Route 2, Box 125  
Uniontown, AL 36786

Mr. Bennie Carter  
Route 2, Box 113A  
Uniontown, AL 36786

Ms. Della Dial  
Route 2, Box 111  
Uniontown, AL 36786

Mr. Jerry Lee Holmes  
Ms. Cynthia Thomas Holmes  
Route 2, Box 113B  
Uniontown, AL 36786

Ms. Ruby Lee Holmes  
Route 2, Box 114A  
Uniontown, AL 36786

Ms. Dorothy Tucker  
Route 2, Box 114AA  
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Ms. Dora Williams  
P.O. Box 561  
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Ms. Lillie Gibson  
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Mr. Booker T. Gipson  
Route 2, Box 165  
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Ms. Latonya Gipson  
Route 2, Box 112A  
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Ms. Joann Whitt  
Route 2, Box 163C  
Uniontown, AL 36786

Ms. Teresa Gibson  
Mr. Michael Harris  
Mr. Wendell Harris  
Route 2, Box 165  
Uniontown, AL 36786

Ms. Betty Burrell  
Route 2, Box 165D  
Uniontown, AL 36786

Mr. Jeremiah Powell  
Mr. Nehemiah Powell  
Ms. Anita Powell  
Route 2, Box 124  
Uniontown, AL 36786

Ms. Viola Whitt  
Mr. Curtis Whitt  
Route 2, Box 163C  
Uniontown, AL 36786

Ms. Minnie Harris  
Route 2, Box 162  
Uniontown, AL 36786

Mr. Joe Williams  
Ms. Mary Williams  
Route 2, Box 122D  
Uniontown, AL 36786

Mr. Frank Acoff  
Ms. Cloran Acoff  
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Ms. Minnie Agee  
Route 2, Box 119A  
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Mr. Willie Johnson Jones  
Route 2, Box 115  
Uniontown, AL 36786

Mr. William Gipson  
Route 2, Box 165BB  
Uniontown, AL 36786

Mr. Willie Johnson  
Route 2, Box 115  
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Ms. Norma Harris  
Route 2, Box 163AA  
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Ms. Vaple Harris  
Mr. Dewayne Harris  
Route 2, Box 163AA  
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Mr. James Harris  
Route 2, Box 163AA  
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Ms. Bertha Drew  
Route 2, Box 122ABC  
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Mr. A.C. Johnson  
Route 2, Box 115  
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Mr. Arthur Johnson  
Ms. Morristine Johnson  
Route 2, Box 122A  
Uniontown, AL 36786

Mr. Robert Milton  
Ms. Althea Milton  
Route 2, Box 160  
Uniontown, AL 36786

Ms. Mary Dangerfield  
Route 2, Box 122A&B  
Uniontown, AL 36786

Mr. Chester Fikes  
Ms. Pamela Fikes  
Route 2, Box 118A  
Uniontown, AL 36786

Mr. William Gibbs  
Route 2, Box 158  
Uniontown, AL 36786

Mr. Samuel Williams  
Ms. Felicia Williams  
Route 2, Box 126A  
Uniontown, AL 36786

Ms. Annie P. Atkins  
Route 2, Box 163E  
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Mr. David Turner  
Ms. Emily Turner  
Route 2, Box 163E  
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Ms. Hattie Johnson  
P.O. Box 752  
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Ms. Peaches Ketrice Burrell  
Route 2, Box 129  
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Dixie Washington  
401 County Road 177  
Marion Junction, AL 36759

Ms. Candy Washington  
365 County Road 177  
Marion Junction, AL 36759

Ms. Casadie Wallace  
552 County Road 177  
Marion Junction, AL 36759

Mr. James Gipson  
Route 2, Box 112A  
Uniontown, AL 36786

Ms. Cartrenna Wallace  
470 County Road 177  
Marion Junction, AL 36759

Mr. Larry Johnson  
Ms. Maiola McMillian  
Route 2, Box 122AB  
Uniontown, AL 36786

Mr. Jonathan Coleman  
P.O. Box 415  
Uniontown, AL 36786

Ms. Betty Carter  
Route 2, Box 153A  
Uniontown, AL 36786

Ms. Rebecca Walker  
Route 2, Box 147  
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Mr. Ernest Flowers  
Ms. Altheria Flowers  
Route 2, Box 147  
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Ms. Mary Louise Paige  
336 County Road 177  
Marion Junction, AL 36759

Mr. Charles Allen  
Route 2, Box 187  
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Ms. Robin Bennett  
Ms. Kamona Bennett  
Ms. Mary Bennett  
Route 2, Box 150  
Uniontown, AL 36786

Ms. Bernice Flowers  
Route 2, Box 147  
Uniontown, AL 36786

Mr. Richard Johnson  
Route 2, Box 96  
Uniontown, AL 36786

Mr. Arthur Fikes  
Route 2, Box 119A  
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Ms. Latasha Washington  
379 County Road 177  
Marion Junction, AL 36759

Ms. Valerie L. Milton  
Route 2, Box 122B  
Uniontown, AL 36786

Mr. Eric G. Johnson  
Route 2, Box 115  
Uniontown, AL 36786

Ms. Doris Olds  
P.O. Box 1323  
Uniontown, AL 36786

Ms. Gracie Carter  
Mr. Dan Reese  
P.O. Box 944  
Uniontown, AL 36786

Mr. Jimmy Jones  
Route 2, Box 165C  
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Ms. Rosa Williams  
P.O. Box 751  
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Mr. Grady Williams  
Ms. Regenia Williams  
Route 2, Box 126  
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Ms. Mary B. Jones  
Mr. Ambrose Green  
P.O. Box 434  
Uniontown, AL 36786

Ms. Mary Hollis  
Mr. John Hollis  
P.O. Box 452  
Uniontown, AL 36786

Ms. Barbara Lewis  
Route 2, Box 164  
Uniontown, AL 36786

Mr. Robert Lee  
Route 2, Box 164  
Uniontown, AL 36786

Ms. Mattie L. Williams  
Route 2, Box 186  
Uniontown, AL 36786

Ms. Dorothy White  
Ms. Mary Harris  
Ms. Mae Della Williams  
408 Cahaba Road, Apt 403  
Uniontown, AL 36786

Ms. Rebecca Williams  
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Ms. Elizabeth Witherspoon  
Route 2, Box 321  
Uniontown, AL 36786

Ms. Kimberly W. Bryant  
P.O. Box 732  
Uniontown, AL 36786

Ms. Robert L. Witherspoon  
Route 2, Box 321A  
Uniontown, AL 36786

Ms. Emma Olds  
Ms. Ona Howard  
Mr. Louis Howard  
Route 2, Box 120  
Uniontown, AL 36786

Ms. Mary Battle  
Mr. Edward Williams  
P.O. Box 703  
Uniontown, AL 36786

Ms. Mattie Harris  
P.O. Box 995  
Uniontown, AL 36786

Ms. Rachel Witherspoon  
Mr. Dennis Witherspoon  
P.O. Box 734  
Uniontown, AL 36786

Ms. Victoria Green  
Mr. Vincent Green  
P.O. Box 1416  
Uniontown, AL 36786

Ms. Charlene Williams  
P.O. Box 106  
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Ms. Wanda Flowers  
Route 2, Box 145A  
Uniontown, AL 36786

Ms. Ola Bolden  
Route 2, Box 30  
Uniontown, AL 36786

Ms. Melinda Caldwell  
P.O. Box 1372  
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Mr. Darrell Harris  
Ms. Luverne Chandler  
Route 1, Box 81  
Uniontown, AL 36786

Ms. Luvenia Thomas  
Mr. Samuel Thomas  
Ms. Tammy Thomas  
Route 2, Box 163A  
Uniontown, AL 36786

Ms. Nancy Robinson  
P.O. Box 922  
Uniontown, AL 36786

Ms. Willie M. Watson  
Mr. Willie Banks  
Route 2, Box 189  
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Mr. Charlie Johnson  
P.O. Box 682  
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Ms. Twanda Brown  
Mr. Charles Black  
P.O. Box 13  
Uniontown, AL 36786

Ms. Susie Moore  
P.O. 367  
Uniontown, AL 36786