

February 2, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

No. 7008 1300 0001 2360 2759
Phill-Con Services, LLC
P.O. Box 537
Route 2, Box 110A
Uniontown, Alabama 36786

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

No.7008 1300 0001 2360 2766
Phillips and Jordan, Incorporated
6621 Wilbanks Road
Knoxville, Tennessee 37912

CERTIFIED MAIL
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No. 7008 1300 0001 2360 2773
Mr. John Edward Dorsett
President
Phill-Con Services, LLC
P.O. Box 537
Route 2, Box 110A
Uniontown, Alabama 36786

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

No. 7008 1300 0001 2360 2780
Mr. John P. McMullen
Manager
Phill-Con Services, LLC
6621 Wilbanks Road
Knoxville, Tennessee 37912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

No. 7008 1300 0001 2360 2872

Mr. William Ted Phillips, Jr.
Chief Executive Officer
Phillips and Jordan, Incorporated
6621 Wilbanks Road
Knoxville, Tennessee 37912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

No. 7008 1300 0001 2360 2889

Mr. Ben R. Turner
President and Chief Operating Officer
Phillips and Jordan, Incorporated
6621 Wilbanks Road
Knoxville, Tennessee 37912

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

Dear Gentlemen:

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 the above-named entities and persons 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, the above-named entities and persons have been operating the Perry County Associates Landfill (a/k/a Arrowhead 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, the above-named entities and persons are 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:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1300 0001 2360 2896
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

No. 7008 1300 0001 2360 2902
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

No. 7008 1300 0001 2360 2919
Hon. John P. Hagood, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

CERTIFIED MAIL
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No. 7008 1300 0001 2360 2926
The Corporation Company
Registered Agent for Phill-Con Services, LLC
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

CERTIFIED MAIL
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No. 7008 1300 0001 2360 2933
The Corporation Company
Registered Agent for Phillips and Jordan, Incorporated
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

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

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Route 2, Box 109
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Mr. Frank **Acoff**
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Uniontown, AL 36786

Ms. Candy **Washington**
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Ms. Dixie **Washington**
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Marion Junction, AL 36759

Mr. Johnny **Washington**
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Ms. Latasha **Washington**
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