

February 2, 2010

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Phill-Con Services, LLC
P.O. Box 537
Route 2, Box 110A
Uniontown, Alabama 36786

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Phillips and Jordan, Incorporated
6621 Wilbanks Road
Knoxville, Tennessee 37912

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mr. John Edward Dorsett
President
Phill-Con Services, LLC
P.O. Box 537
Route 2, Box 110A
Uniontown, Alabama 36786

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mr. John P. McMullen
Manager
Phill-Con Services, LLC
6621 Wilbanks Road
Knoxville, Tennessee 37912

REGISTERED MAIL
RETURN RECEIPT REQUESTED

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

REGISTERED MAIL
RETURN RECEIPT REQUESTED

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 Criteria for Municipal Solid Waste Landfills under the Solid Waste Disposal Act

Dear Gentlemen:

Pursuant to the Solid Waste Disposal Act § 7002, 42 U.S.C. § 6972, and 40 C.F.R. Part 254, 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 Criteria for Municipal Solid Waste Landfills

Pursuant to the Solid Waste Disposal Act § 4004(a), 42 U.S.C. § 6944(a), EPA promulgated criteria for the operation of municipal solid waste landfills. Among these criteria is the following:

Owners or operators of all MSWLFs must ensure that the units not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to section 110 of the Clean Air Act, as amended.

40 C.F.R. § 258.24(a). Failure to comply with this criterion makes a landfill a prohibited “open dump.” Solid Waste Disposal Act § 4005(a), 42 U.S.C. § 6945(a), and 40 C.F.R. § 258.1(g) and (h).

Pursuant to Clean Air Act § 110, 42 U.S.C. § 7410, the State of Alabama adopted and 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).

Ala. Admin. Code R. 335-3-1-.08. “Air Pollution” shall mean 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 throughout the State and in such territories of the State as shall be

affected thereby. Ala. Admin. Code R. 335-3-1-.02(1)(e). "Air Contaminant" shall mean 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" shall mean 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 the State Implementation Plan for Alabama and in violation of 40 C.F.R. § 258.24(a). Thus, the above-named entities and persons are operating a prohibited "open dump" in violation of the Solid Waste Disposal 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
RETURN RECEIPT REQUESTED

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
RETURN RECEIPT REQUESTED

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

Ms. Ethel L. **Abrahams**
Route 2, Box 109
Uniontown, AL 36786

Mr. Frank **Acoff**
Route 2, Box 122D
Uniontown, AL 36786

Ms. Cloran **Acoff**
Route 2, Box 122D
Uniontown, AL 36786

Ms. Minnie **Agee**
Route 2, Box 119A
Uniontown, AL 36786

Mr. Charles **Allen**
Route 2, Box 187
Uniontown, AL 36786

Ms. Annie **Atkins**
Route 2, Box 163E
Uniontown, AL 36786

Mr. Robert **Bamberg**
Route 2, Box 286
Uniontown, AL 36786

Mr. Willie **Banks**
Route 2, Box 189
Uniontown, AL 36786

Ms. Mary **Battle**
P.O. Box 703
Uniontown, AL 36786

Mr. Ozell **Benjamin**
Route 2, Box 109
Uniontown, AL 36786

Ms. Robin **Bennett**
Route 2, Box 150
Uniontown, AL 36786

Ms. Kamona **Bennett**
Route 2, Box 150
Uniontown, AL 36786

Ms. Mary **Bennett**
Route 2, Box 150
Uniontown, AL 36786

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

Ms. Twanda **Brown**
P.O. Box 13
Uniontown, AL 36786

Mr. Charles **Black**
P.O. Box 13
Uniontown, AL 36786

Ms. Valerie **Brown**
103B Cahaba Apartments
Uniontown, AL 36786

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

Ms. Linda **Bryant**
Route 2, Box 96C
Uniontown, AL 36786

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

Ms. Peaches Ketrice **Burrell**
Route 2, Box 129
Uniontown, AL 36786

Ms. Melinda **Caldwell**
P.O. Box 1372
Uniontown, AL 36786

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

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

Ms. Gracie **Carter**
P.O. Box 944
Uniontown, AL 36786

Ms. Luverne **Chandler**
Route 1, Box 81
Uniontown, AL 36786

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

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

Ms. Regina **Dial**
P.O. Box 485
Uniontown, AL 36786

Ms. Tralencia **Dial**
P.O. Box 485
Uniontown, AL 36786

Ms. Bertha **Drew**
Route 2, Box 122ABC
Uniontown, AL 36786

Mr. James **Estrict**
P.O. Box 1086
Uniontown, AL 36786

Mr. Arthur **Fikes**
Route 2, Box 119A
Uniontown, AL 36786

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

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

Ms. Wanda **Flowers**
Route 2, Box 145A
Uniontown, AL 36786

Ms. Pearlie **Garrett**
103A Cahaba Apartments
Uniontown, AL 36786

Ms. Clara **Gary**
P.O. Box 462
Uniontown, AL 36786

Mr. Nathaniel **Gary**
P.O. Box 462
Uniontown, AL 36786

Mr. Patrick **Gary**
Route 2, Box 154D
Uniontown, AL 36786

Mr. James **Gibbs**
Route 2, Box 122B
Uniontown, AL 36786

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

Ms. Lillie **Gibson**
Route 2, Box 165
Uniontown, AL 36786

Ms. Teresa **Gibson**
Route 2, Box 165
Uniontown, AL 36786

Mr. Booker T. **Gipson**
Route 2, Box 165
Uniontown, AL 36786

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

Ms. Latonya **Gipson**
Route 2, Box 112A
Uniontown, AL 36786

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

Ms. Tonya **Goldsby**
Route 2, Box 109A
Uniontown, AL 36786

Mr. Ambrose **Green**
P.O. Box 434
Uniontown, AL 36786

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

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

Mr. Darrell **Harris**
Route 1, Box 81
Uniontown, AL 36786

Mr. Dewayne **Harris**
Route 2, Box 163AA
Uniontown, AL 36786

Mr. James **Harris**
Route 2, Box 163AA
Uniontown, AL 36786

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

Ms. Mary **Harris**
408 Cahaba Road, Apt 403
Uniontown, AL 36786

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

Mr. Michael **Harris**
Route 2, Box 165
Uniontown, AL 36786

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

Ms. Norma **Harris**
Route 2, Box 163AA
Uniontown, AL 36786

Ms. Vaple **Harris**
Route 2, Box 163AA
Uniontown, AL 36786

Mr. Wendell **Harris**
Route 2, Box 165
Uniontown, AL 36786

Ms. Linda **Hawkins**
P.O. Box 1193
Uniontown, AL 36786

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

Ms. Cynthia Thomas **Holmes**
Route 2, Box 113B
Uniontown, AL 36786

Mr. Jerry Lee **Holmes**
Route 2, Box 113B
Uniontown, AL 36786

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

Mr. Louis **Howard**
Route 2, Box 120
Uniontown, AL 36786

Ms. Ona **Howard**
Route 2, Box 120
Uniontown, AL 36786

Mr. A.C. **Johnson**
Route 2, Box 115
Uniontown, AL 36786

Mr. Arthur **Johnson**
Route 2, Box 122A
Uniontown, AL 36786

Mr. Charlie **Johnson**
P.O. Box 682
Uniontown, AL 36786

Ms. Cynthia **Johnson**
Route 2, Box 104
Uniontown, AL 36786

Ms. Dorothy **Johnson**
P.O. Box 942
Uniontown, AL 36786

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

Ms. Hattie **Johnson**
P.O. Box 752
Uniontown, AL 36786

Mr. Jonathan **Johnson**
Route 2, Box 104
Uniontown, AL 36786

Mr. Larry **Johnson**
78 Cottage Street
Everette, MA 02149

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

Ms. Morristine **Johnson**
Route 2, Box 122A
Uniontown, AL 36786

Ms. Rosa M. **Johnson**
693 Martin Luther King Drive
Uniontown, AL 36786

Mr. Willie **Johnson**
Route 2, Box 115
Uniontown, AL 36786

Mr. Jimmy **Jones**
Route 2, Box 165C
Uniontown, AL 36786

Ms. Mary B. **Jones**
P.O. Box 434
Uniontown, AL 36786

Ms. Berna **Knight**
Route 2, Box 109
Uniontown, AL 36786

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

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

Mr. Earvin **Lewis**
101A Cahaba Road
Uniontown, AL 36786

Ms. Shirley **Lewis**
P.O. Box 588
Uniontown, AL 36786

Ms. Maiola **McMillian**
78 Cottage Street
Everette, MA 02149

Ms. Loretta **Miller**
P.O. Box 1036
Uniontown, AL 36786

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

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

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

Ms. Kenya **Mitchell**
Route 2, Box 128
Uniontown, AL 36786

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

Ms. Loretta **Morgan**
P.O. Box 1007
Uniontown, AL 36786

Ms. Michelle **Morgan**
P.O. Box 1388
Uniontown, AL 36786

Rev. James R. **Murdock**
Route 2, Box 122C
Uniontown, AL 36786

Ms. Ella White **Murdock**
Route 2, Box 122C
Uniontown, AL 36786

Ms. Glenda **Norwood**
245 Delta Street
Uniontown, AL 36786

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

Ms. Emma **Olds**
Route 2, Box 120
Uniontown, AL 36786

Ms. Mary Louise **Paige**
336 County Road 177
Marion Junction, AL 36759

Mr. Jeremiah **Powell**
Route 2, Box 124
Uniontown, AL 36786

Ms. Katie **Powell**
Route 2, Box 154B
Uniontown, AL 36786

Mr. Nehemiah **Powell**
Route 2, Box 124
Uniontown, AL 36786

Mr. Dan **Reese**
P.O. Box 944
Uniontown, AL 36786

Mr. Terry **Richards**
Route 1, Box 36
Uniontown, AL 36786

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

Ms. Caltie **Sanders**
P.O. Box 1116
Uniontown, AL 36786

Ms. Vernell **Saterfield**
1062 County Road 1
Safford, AL 36773

Mr. Robert **Shepard**
Route 2, Box 134
Uniontown, AL 36786

Mr. Roger **Smith**
P.O. Box 704
Uniontown, AL 36786

Mr. Lou **Strother**
Route 2, Box 106
Uniontown, AL 36786

Mr. Freddie **Thomas**
Route 2, Box 154A
Uniontown, AL 36786

Ms. Luvenia **Thomas**
Route 2, Box 163A
Uniontown, AL 36786

Mr. Robert **Thomas**
Route 2, Box 110
Uniontown, AL 36786

Mr. Samuel **Thomas**
Route 2, Box 163A
Uniontown, AL 36786

Ms. Tammy **Thomas**
Route 2, Box 163A
Uniontown, AL 36786

Ms. Dorothy **Tucker**
Route 2, Box 114AA
Uniontown, AL 36786

Mr. Lorenzo **Tucker**
Route 2, Box 114AA
Uniontown, AL 36786

Mr. David **Turner**
Route 2, Box 163E
Uniontown, AL 36786

Ms. Emily Atkins **Turner**
Route 2, Box 163E
Uniontown, AL 36786

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

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

Mr. Christopher **Wallace**
582 Central Mills Road
Uniontown, AL 36786

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

Ms. Dixie **Washington**
401 County Road 177
Marion Junction, AL 36759

Mr. Johnny **Washington**
321 Dallas County Road 177
Marion Junction, AL 36786

Ms. Latasha **Washington**
379 County Road 177
Marion Junction, AL 36759

Ms. Willie M. **Watson**
Route 2, Box 189
Uniontown, AL 36786

Ms. Dorothy **White**
408 Cahaba Road, Apt 403
Uniontown, AL 36786

Ms. Mae Della **Williams**
408 Cahaba Road, Apt 403
Uniontown, AL 36786

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

Ms. Joann **Whitt**
Route 2, Box 163C
Uniontown, AL 36786

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

Ms. Charlene **Williams**
P.O. Box 106
Uniontown, AL 36786

Ms. Cherise **Williams**
P.O. Box 1062
Uniontown, AL 36786

Ms. Dora **Williams**
P.O. Box 561
Uniontown, AL 36786

Mr. Edward **Williams**
P.O. Box 703
Uniontown, AL 36786

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

Mr. Grady **Williams**
Route 2, Box 126
Uniontown, AL 36786

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

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

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

Ms. Rebecca **Williams**
P.O. Box 1421
Uniontown, AL 36786

Ms. Regenia **Williams**
Route 2, Box 126
Uniontown, AL 36786

Ms. Rosa **Williams**
P.O. Box 751
Uniontown, AL 36786

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

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

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

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

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