

December 22, 2009

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

Dear Mr. Porter:

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 Perry County Associates, LLC 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, 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 the State Implementation Plan for Alabama and in violation of 40 C.F.R. § 258.24(a). Thus, Perry County Associates, LLC is 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
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

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
Uniontown, AL 36786

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

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

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

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

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
Route 2, Box 122D
Uniontown, AL 36786

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

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
Uniontown, AL 36786

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

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

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

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

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

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
Uniontown, AL 36786

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

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

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

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
Uniontown, AL 36786

Mr. Ernest Flowers
Ms. Altheria Flowers
Route 2, Box 147
Uniontown, AL 36786

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

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

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
Uniontown, AL 36786

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
Uniontown, AL 36786

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

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

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
P.O. Box 1421
Uniontown, AL 36786

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
Uniontown, AL 36786

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
Uniontown, AL 36786

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
Uniontown, AL 36786

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

Ms. Twanda Brown
Mr. Charles Black
P.O. Box 13
Uniontown, AL 36786

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