



August 24, 2015

CERTIFIED MAIL NO. 7000 1670 0004 1446 8105

Terry L. Brenneman
Tub Mill Farms Inc.
120 Post Office St.
Boynton, PA 15532

Re: Demand Letter
Violations of the October 27, 2014
Consent Order and Agreement
Tub Mill Farms, Inc.
Elk Lick Township
Somerset County

Dear Mr. Brenneman:

I write regarding your Consent Order & Agreement with the Pennsylvania Department of Environmental Protection dated October 27, 2014 ("CO&A" - attached), regarding the "Tub Mill Site," as that term is defined in the CO&A.

Paragraph 4 of the CO&A stipulates that in the event Terry Brenneman and/or Tub Mill Farms, Inc. (the "Brenneman Parties"), singularly or collectively, fail to comply in a timely manner with any requirement of Paragraph 3, the Brenneman Parties shall be in violation of the CO&A and, in addition to other applicable remedies, shall, jointly and severally, pay a civil penalty in the amount of \$250.00 per day for each violation, due automatically without the need for any notice.

Paragraph 3(b)(iv) of the CO&A provides that the Brenneman Parties shall "during the three (3) months following execution of the CO&A and thereafter if directed by the Department, use their best efforts to obtain reasonable access to the Tub Mill Site from the site owner for the purpose of conducting the activities set forth in Paragraph 3, and shall contemporaneously provide documentation to the Department of all such efforts. . . ." The three months following the execution of the CO&A ended on Thursday January 27, 2015, without any evidence that you timely used your best efforts to obtain reasonable access. This failure has not been cured since January 27, 2015. As a result, you have failed to comply with Paragraph 3(b)(iv) since January 28, 2014. **1/28/15-8/20/15 = 204 days x \$250 = \$51,000.**

Once you have provided evidence of your best efforts to obtain reasonable access to the Tub Mill Site for the purpose of complying with the CO&A, as set forth in Paragraph 3.b.iv., and should those best efforts not result in your access to the Tub Mill Site, the Department may direct you to continue to use best efforts to access the Tub Mill Site.

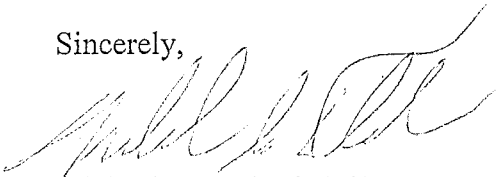
Accordingly, demand is hereby made for payment of **FIFTY-ONE THOUSAND DOLLARS (\$51,000.00)** in accordance with aforementioned paragraphs of the CO&A. As required in Paragraph 4 of the CO&A, this payment, via check made payable to the Commonwealth of Pennsylvania, Solid Waste Abatement Fund, should be forwarded to:

Michael G. Forbeck
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

Failure to make payment could result in legal action being initiated against you. This demand is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any statutes or the CO&A. If the Department determines that additional enforcement is appropriate, you will be notified of when the Department takes that action.

If you believe that any information set forth herein is inaccurate, please let me know within fifteen days from the date of this letter. Please contact Scott Swarm of my staff at 412.442.4343 if you have any questions, or have your attorney contact our counsel, John Herman, at 412.442.4262.

Sincerely,



Michael G. Forbeck, P.E.
Environmental Program Manager
Bureau of Waste Management

bc: Regional
Chron
M. Forbeck
M. Planinsek
/S. Swarm
M. Kaufman
B. Williams
R. Watling

MGF:HSS:fet