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JUN 07 2004



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-2297
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-782-2297

STATE OF ILLINOIS
Pollution Control Board

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

AC04-85

June 4, 2004

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Michael Lee Schenck
IEPA File No. 274-04-AC; 1430050003—Peoria County

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 07 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MICHAEL LEE SCHENCK,

Respondent.

AC 04-85
(IEPA No. 274-04-AC)

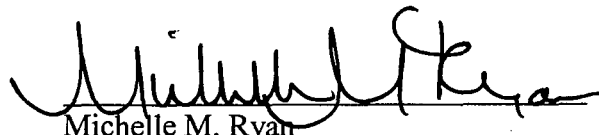
NOTICE OF FILING

To: Michael Lee Schenck
1125 Sunset Drive
East Peoria, Illinois 61611

Estate of Roy G. Frietsch
Ms. Carol A. Schenk, Executor
5800 S. Adams
Bartonville, Illinois 61607

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: June 4, 2004

RECEIVED
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JUN 07 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

MICHAEL LEE SCHENCK ,

Respondent.

AC 04-85
(IEPA No. 274-04-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1 (2002).

FACTS

1. That Michael Lee Schenck is the permitted operator of a facility located off Route 24, Bartonville, Peoria County, Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1973-037-DE/OP, and is designated with Site Code No. 1430050003. The facility is commonly known to the Illinois Environmental Protection Agency as Frietsch Landfill #2.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on May 11, 2004, Ron Mehalic of the Illinois Environmental Protection Agency's Peoria Regional Office inspected the above-referenced facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Ron Mehalic during the course of his May 11, 2004 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent conducted a sanitary landfill operation in a manner which resulted in failure to submit reports required by permits or Board regulations, a violation of Section 21 (o)(11) of the Act, 415 ILCS 5/21 (o)(11) (2002).
- (2) That Respondent conducted a sanitary landfill operation in a manner which resulted in the failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules, a violation of Section 21(o)(13) of the Act, 415 ILCS 5/21(o)(13) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2002), Respondent is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of One Thousand Dollars (\$1000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

Renee Cipriano
Renee Cipriano, Director *Ryane*
Illinois Environmental Protection Agency

Date 6/3/04

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

V.

MICHAEL LEE SCHENCK ,

Respondents.

AC
(IEPA No. 274-04-AC)

FACILITY: Frietsch Landfill #2

SITE CODE NO.: 1430050003

COUNTY: Peoria

CIVIL PENALTY: \$1000.00

DATE OF INSPECTION: May 11, 2004

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

AFFIDAVIT

RESPONDENT

IEPA DOCKET NO.

4. Before and/or after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether

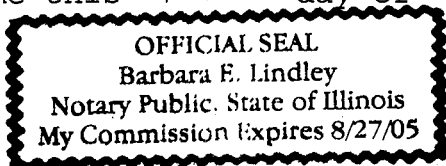
or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to Frietsch Landfill #2 Part 807 Landfill Inspection Checklist..

Rald McChade

Subscribed and Sworn to before

me this 17th day of May, 2004



Barbara E. Lindley
Notary Public

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Part 807 Landfill Inspection Checklist

County: Peoria LPC#: 1430050003 Region: 3 - Peoria
 Location/Site Name: Bartonville/Frietsch Landfill #2
 Date: 05/11/2004 Time: From 8:45 am To 9:20 am Previous Inspection Date: 03/04/2003
 Inspector(s): Ron Mehalic Weather: cloudy, damp & humid
 No. of Photos Taken: # 14 Samples Taken: Yes # No ☒
 Interviewed: No on one site, Paul Connell by phone Facility Phone No.: 674-1025 (atty: Schroeder)
 Permitted Owner Mailing Address Permitted Operator Mailing Address

Estate of Roy G. Frietsch
 Carol A. Schenck, Executor
 5800 SW Adams St.
 Bartonville, Illinois 61607

Michael Lee Schenck
 1125 Sunset Drive
 East Peoria, Illinois 61611

Chief Operator Mailing Address

Same as permitted operator

Certified Operator Mailing Address

Same as permitted operator

AUTHORIZATION:

OP Permit 1973-037-DE/OP (2002-093-SP)

OPERATIONAL STATUS:

Operating ☐

Closed - Not Certified ☐

Closed - Certified ☒ Date: 04/04/1995

| | SECTION | DESCRIPTION | VIOL. |
|---|---------|---|-------------------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS | | | |
| 1. | 9(a) | CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS | <input type="checkbox"/> |
| 2. | 9(c) | CAUSE OR ALLOW OPEN BURNING | <input type="checkbox"/> |
| 3. | 12(a) | CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS | <input type="checkbox"/> |
| 4. | 12(d) | CREATE A WATER POLLUTION HAZARD | <input type="checkbox"/> |
| 5. | 12(f) | CAUSE, THREATEN OR ALLOW DISCHARGE WITHOUT OR IN VIOLATION OF AN NPDES PERMIT | <input type="checkbox"/> |
| 6. | 21(a) | CAUSE OR ALLOW OPEN DUMPING | <input type="checkbox"/> |
| 7. | 21(d) | CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION: | |
| | (1) | Without a Permit or in Violation of Any Conditions of a Permit (See Permit | <input checked="" type="checkbox"/> |
| | (2) | In Violation of Any Regulations or Standards Adopted by the Board | <input checked="" type="checkbox"/> |

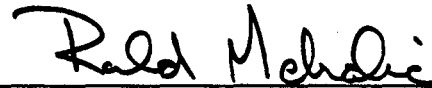
| | | | |
|-----|----------|--|-------------------------------------|
| 8. | 21(e) | DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS | <input checked="" type="checkbox"/> |
| 9. | 21(f) | CONDUCT ANY HAZARDOUS WASTE-STORAGE, HAZARDOUS WASTE-TREATMENT OR HAZARDOUS WASTE-DISPOSAL OPERATION: | |
| | (1) | Without a RCRA Permit | <input type="checkbox"/> |
| 10. | 21(o) | CONDUCT A SANITARY LANDFILL OPERATION WHICH RESULTS IN ANY OF THE FOLLOWING CONDITIONS: | |
| | (1) | Refuse in Standing or Flowing Water | <input type="checkbox"/> |
| | (2) | Leachate Flows Entering Waters of the State | <input type="checkbox"/> |
| | (3) | Leachate Flows Exiting the Landfill Confines | <input type="checkbox"/> |
| | (4) | Open Burning of Refuse in Violation of Section 9 of the Act | <input type="checkbox"/> |
| | (5) | Uncovered Refuse Remaining From Any Previous Operating Day or at the Conclusion of Any Operating Day | <input type="checkbox"/> |
| | (6) | Failure to Provide Final Cover Within Time Limits | <input type="checkbox"/> |
| | (7) | Acceptance of Wastes Without Necessary Permits | <input type="checkbox"/> |
| | (8) | Scavenging as Defined by Board Regulations | <input type="checkbox"/> |
| | (9) | Deposition of Refuse in Any Unpermitted Portion of the Landfill | <input type="checkbox"/> |
| | (10) | Acceptance of Special Waste Without a Required Manifest | <input type="checkbox"/> |
| | (11) | Failure to Submit Reports Required by Permits or Board Regulations | <input checked="" type="checkbox"/> |
| | (12) | Failure to Collect and Contain Litter by the End of each Operating Day | <input type="checkbox"/> |
| | (13) | Failure to Submit Any Cost Estimate, Performance Bond or Other Security for the Site | <input checked="" type="checkbox"/> |
| 11. | 21(t) | CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) UNIT WITHOUT A PERMIT MODIFICATION | <input type="checkbox"/> |
| 12. | 21.6(b) | ACCEPTANCE OF LIQUID USED OIL FOR FINAL DISPOSAL (EFFECTIVE JULY 1, 1996) | <input type="checkbox"/> |
| 13. | 22.01 | FAILURE TO SUBMIT ANNUAL NONHAZARDOUS SPECIAL WASTE REPORT | <input type="checkbox"/> |
| 14. | 22.17 | LANDFILL POST-CLOSURE CARE | |
| | (a) | Failure to Monitor Gas, Water, Settling | <input type="checkbox"/> |
| | (b) | Failure to Take Remedial Action | <input type="checkbox"/> |
| 15. | 22.22(c) | ACCEPTANCE OF LANDSCAPE WASTE FOR FINAL DISPOSAL | <input type="checkbox"/> |

| | | | |
|--|-------------------------------|---|-------------------------------------|
| 16. | 22.23(f)(2) | CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY | <input type="checkbox"/> |
| 17. | 22.28(b) | ACCEPTANCE OF WHITE GOODS FOR FINAL DISPOSAL | <input type="checkbox"/> |
| 18. | 55(b)(1) | ACCEPTANCE OF ANY USED OR WASTE TIRE FOR FINAL DISPOSAL (UNLESS LANDFILL MEETS EXEMPTION OF 55(b)(1)) | <input type="checkbox"/> |
| 19. | 56.1(a) | CAUSE OR ALLOW THE DISPOSAL OF ANY POTENTIALLY INFECTIOUS MEDICAL WASTE | <input type="checkbox"/> |
| SOLID WASTE SITE OPERATOR CERTIFICATION LAW REQUIREMENTS | | | |
| 20. | 225 ILCS 230/1004 | CAUSING OF ALLOWING OPERATION OF A LANDFILL WITHOUT PROPER COMPETENCY CERTIFICATE | <input type="checkbox"/> |
| 35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G | | | |
| PRIOR CONDUCT CERTIFICATION REQUIREMENTS | | | |
| 21. | 745.181 | CHIEF OPERATOR REQUIREMENTS | <input type="checkbox"/> |
| 22. | 745.201 | PRIOR CONDUCT CERTIFICATION PROHIBITIONS | <input type="checkbox"/> |
| SOLID WASTE REQUIREMENTS | | | |
| | PART 807 SUBPART C | SANITARY LANDFILLS | |
| 23. | 807.302 | COMPLIANCE WITH PERMIT (see Permit Provisions) | <input checked="" type="checkbox"/> |
| 24. | 807.303 | METHODS OF OPERATION | |
| | (a) | Refuse Deposited into the Toe of the Fill or into the Bottom of the Trench | <input type="checkbox"/> |
| | (b) | Adequate Spreading and Compacting | <input type="checkbox"/> |
| | (c) | Proper Ratio of the Slope of the Working Face Maintained | <input type="checkbox"/> |
| 25. | 807.304 | EQUIPMENT, PERSONNEL AND SUPERVISION | <input type="checkbox"/> |
| 26. | 807.305 | COVER | |
| | (a) | Daily Cover | <input type="checkbox"/> |
| | (b) | Intermediate Cover | <input type="checkbox"/> |
| | (c) | Final Cover | <input type="checkbox"/> |
| 27. | 807.306 | LITTER | <input type="checkbox"/> |
| 28. | 807.307 | SALVAGING | |
| | (a) | Sanitary Manner | <input type="checkbox"/> |
| | (b) | Remote from the Operating Face | <input type="checkbox"/> |
| | (c) | Interfere or Delay the Operation of the Landfill | <input type="checkbox"/> |
| | (d) | Removed Daily or Separated so as not to Create a Nuisance, Vector Harborage or Unsightly Appearance. | <input type="checkbox"/> |
| 29. | 807.308 | SCAVENGING | <input type="checkbox"/> |
| 30. | 807.309 | ANIMAL FEEDING | <input type="checkbox"/> |

| | | | |
|-----|-------------------------------|---|--------------------------|
| 31. | 807.310 | SPECIAL WASTES | |
| | (a) | Hot Waste | <input type="checkbox"/> |
| | (b) | Hazardous and Liquid Waste | <input type="checkbox"/> |
| 32. | 807.311 | OPEN BURNING | <input type="checkbox"/> |
| 33. | 807.312 | AIR POLLUTION | <input type="checkbox"/> |
| 34. | 807.313 | WATER POLLUTION | <input type="checkbox"/> |
| 35. | 807.314 | STANDARD REQUIREMENTS | |
| | (a) | Shelter, Sanitary Facilities and Emergency Communications for Employees | <input type="checkbox"/> |
| | (b) | Roads to Allow Orderly Operations | <input type="checkbox"/> |
| | (c) | Fencing, Gates, or Other Measures to Control Access | <input type="checkbox"/> |
| | (d) | Measures for Fire Protection | <input type="checkbox"/> |
| | (e) | Measures to Monitor and Control Leachate | <input type="checkbox"/> |
| | (f) | Measures to Control Dust and Vectors | <input type="checkbox"/> |
| | (g) | Approved Operational Safety Program | <input type="checkbox"/> |
| | (h) | Concealing Sanitary Landfill Operations from Public View | <input type="checkbox"/> |
| 36. | 807.315 | PROTECTION OF WATERS OF THE STATE | <input type="checkbox"/> |
| 37. | 807.317 | WATER MONITORING DATA SUBMITTED QUARTERLY | <input type="checkbox"/> |
| 38. | 807.318 | COMPLETION OR CLOSURE REQUIREMENTS | |
| | (a) | Monitor Gas, Water and Settling at the Completed Site for Three Years | <input type="checkbox"/> |
| | (b) | Remediate Any Gas, Water or Settling Problems which Appear During the Three Year Period | <input type="checkbox"/> |
| | (c) | File Detailed Description of the Site Upon Completion or Closure | <input type="checkbox"/> |
| | PART 807 SUBPART E | CLOSURE AND POST-CLOSURE CARE | |
| 39. | 807.502 | CLOSURE PERFORMANCE STANDARD | <input type="checkbox"/> |
| 40. | 807.503 | CLOSURE PLAN | |
| | (a) | Written Closure Plan as Condition of Site Permit | <input type="checkbox"/> |
| | (e) | Closure Plan Available During Inspection | <input type="checkbox"/> |
| 41. | 807.505(a) | NOTICE OF CLOSURE WITHIN 30 DAYS OF RECEIPT OF FINAL VOLUME OF WASTE | <input type="checkbox"/> |
| 42. | 807.506 | INITIATION OF CLOSURE | <input type="checkbox"/> |

| | | | |
|--|-------------------------------|---|-------------------------------------|
| 43. | 807.508 | CERTIFICATION OF CLOSURE | <input type="checkbox"/> |
| 44. | 807.509 | USE OF WASTE FOLLOWING CLOSURE | <input type="checkbox"/> |
| 45. | 807.523 | POST-CLOSURE CARE PLAN | <input type="checkbox"/> |
| 46. | 807.524 | IMPLEMENTATION AND COMPLETION OF POST-CLOSURE CARE PLAN | <input type="checkbox"/> |
| | PART 807 SUBPART F | FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE | |
| 47. | 807.601 | REQUIREMENT TO OBTAIN FINANCIAL ASSURANCE | <input type="checkbox"/> |
| 48. | 807.603 | UPGRADING FINANCIAL ASSURANCE | <input type="checkbox"/> |
| 49. | 807.621 | COST ESTIMATE FOR CLOSURE | <input type="checkbox"/> |
| 50. | 807.622 | COST ESTIMATE FOR POST-CLOSURE CARE | <input type="checkbox"/> |
| 51. | 807.623 | BIENNIAL REVISION OF COST ESTIMATES | <input checked="" type="checkbox"/> |
| SPECIAL WASTE HAULING REQUIREMENTS | | | |
| 52. | 809.301 | REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS | <input type="checkbox"/> |
| 53. | 809.302(a) | REQUIREMENTS FOR ACCEPTANCE OF SPECIAL WASTE FROM HAULERS | <input type="checkbox"/> |
| 54. | 809.501 | MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS | |
| | (a) | Delivery of Special Waste to Hauler | <input type="checkbox"/> |
| | (e) | Retention of Special Waste Manifests | <input type="checkbox"/> |
| SOLID WASTE FEE SYSTEM REQUIREMENTS | | | |
| 55. | Part 858 Subpart B | MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES WHERE INCOMING WASTE IS WEIGHED (LIST SPECIFIC SECTION NO. VIOLATIONS IN OTHER:) | <input type="checkbox"/> |
| 56. | Part 858 Subpart C | MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES WHERE INCOMING WASTE IS NOT WEIGHED (LIST SPECIFIC SECTION NO. VIOLATIONS IN OTHER:) | <input type="checkbox"/> |
| OTHER REQUIREMENTS | | | |
| 57. | | APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON: | <input type="checkbox"/> |
| 58. | OTHER: | | |
| | | | |
| | | | |

| PERMIT PROVISIONS | |
|-------------------|--|
| PERMIT NUMBER | DESCRIPTION OF VIOLATION (condition # of permit, page # of permit, and/or page # of approved application) |
| 2002-093-SP | Special Condition #4 on page 2 of permit 2002-093-SP. |
| | |
| | |
| | |
| | |
| | |



Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (c) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

NARRATIVE

On May 11, 2004 this author (Ron Mehalic) of the DLPC/FOS - Peoria Region conducted a solid waste inspection from 8:45 a.m. to 9:20 a.m. at Frietsch Landfill #2 near Bartonville, Illinois. No one was at the facility. I also interviewed by phone Paul Connell, Director of Environmental Engineering for Randolph & Associates, Inc.

The landfill had operated under Permit 1973-037 DE/OP and accepted construction/demolition debris during the active period. The facility reportedly ceased accepting waste on March 31, 1993, completed closure on September 29, 1994, and was certified closed on April 4, 1995. The fifteen-year post-closure care period began on September 29, 1994. The latest permit issued to the facility is Supplemental Permit 2002-093-SP, which approved revised cost estimates for completion of post-closure care. The next revised cost estimate was due April 15, 2004.

I arrived at the facility at 8:45 a.m. The gate to the entrance at the facility was locked (see photograph 1). Photographs 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, and 14 show the well-vegetated top and portions of the landfill side slopes (see site sketch). Photograph 5 shows leachate monitoring point L102 (see site sketch). Photograph 11 shows leachate monitoring point L101 and piezometer P105. P105 is only used to measure groundwater elevation. All wells were observed to be in adequate shape. I left the facility at 9:20 a.m.

A review of Frietsch Landfill #2 groundwater file at the Peoria Regional office revealed that the facility is submitting their groundwater data within the permitted timeframes. The annual assessment of the monitoring program with the monitoring results is due to the Agency on July 15 of this year. Also, after review of Supplemental Permit 2002-093-SP, it appears that the facility was required to submit revised cost estimates for post-closure care by April 15, 2004. According to the Agency's Permit Section, this document has not been submitted.

I telephoned Randolph & Associates, Inc. and spoke with Paul Connell, Director of Environmental Engineering regarding Frietsch Landfill #2's revised post-closure care cost estimates. Mr. Connell informed me that Randolph & Associates still represent Frietsch Landfill and he would speak to and inform Carol Schenck, Executor for the Estate of Roy G. Frietsch of the required revised cost estimate. Mr. Connell stated that he would submit the supplemental permit application as soon as possible.

The following apparent violations were observed and checked on the enclosed checklist:

1. Pursuant to Section 21(d)(1) of the {Illinois Environmental Protection Act (415 ILCS 5/21(d)(1))}, no person shall conduct any waste storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit:

A violation of Section 21(d)(1) is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) conducted a waste disposal operation in violation of conditions imposed by permit 2002-093-SP.

Special Condition 4, page 2, states the operator shall file a revised cost estimate for post-closure care at least every two years in accordance with 35 Ill. Adm. Code, Subtitle G Part 807, Subpart F. The next revised cost estimate is due on or before April 15, 2004.

To date, the revised cost estimate for post-closure care for Frietsch Landfill 2 has not been received by the Agency.

2. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) conducted a waste disposal operation in violation of Sections 807.302 and 807.623 of the regulations.

3. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage, or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) conducted a waste disposal operation in violation of Sections 21(d)(1), 21(d)(2), and 21(o)(11) of the Act, and Sections 807.302 and 807.623 of the regulations.

4. Pursuant to Section 21(o)(11) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(o)(11)), no person shall conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section in a manner which results in failure to submit reports required by permits or Board regulations.

A violation of Section 21(o)(11) is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) failed to submit by April 15, 2004 revised post-closure care cost estimates as required by Special Condition 4 of Supplemental Permit No. 2002-093-SP.

5. Pursuant to Section 21(o)(13) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(o)(13)), no person shall conduct a sanitary landfill operation in a manner which

results in failure to submit any cost estimate, performance bond or other security for the site.

A violation of Section 21(o)(13) is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) failed to submit by April 15, 2004 revised post-closure care cost estimates as required by Special Condition 4 of Supplemental Permit No. 2002-093-SP.

6. Pursuant to 35 Ill. Adm. Code 807.302, all provisions and conditions of each permit shall be complied with.

A violation of 35 Ill. Adm. Code 807.302 is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) failed to comply with Special Condition 4 imposed by Supplemental Permit No. 2002-093-SP.

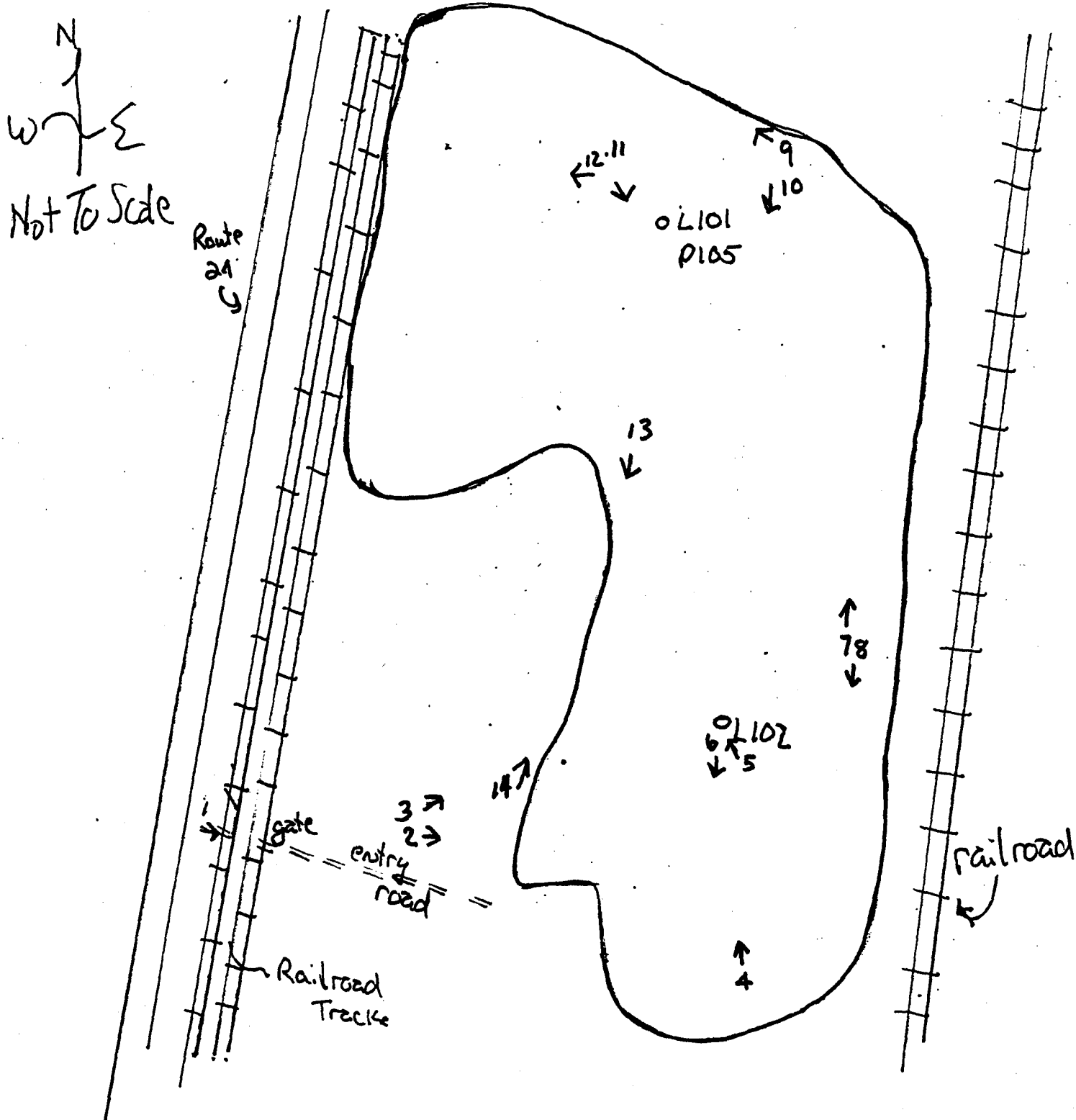
7. Pursuant to 35 Ill. Adm. Code 807.623, Biennial revision of cost estimates.

A violation of 35 Ill. Adm. Code 807.623 is alleged for the following reason: The Estate of Roy G. Frietsch, Carol A. Schenck, Executor (as owner and operator) failed to submit a revised biennial cost estimate for post-closure care on or before the April 15, 2004 due date.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: May 11, 2004 Inspector: Ron Mehalic
Site Code: 1430050003 County: Peoria
Site Name: Frietsch Landfill #2 Time: 8:45am - 9:20am



**1430050003 -- Peoria County
Frietsch Landfill #2
FOS File**

**Site Photographs
Page 1 of 7**

DATE: May 11, 2004

TIME: 8:52 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
1430050003~05112004-001.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 8:53 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
1430050003~05112004-002.jpg

COMMENTS:



DOCUMENT FILE NAME:
1430050003~05112004.doc

**1430050003 -- Peoria County
Frietsch Landfill #2
FOS File**

**Site Photographs
Page 2 of 7**

DATE: May 11, 2004

TIME: 8:53 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1430050003~05112004-003.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 8:56 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1430050003~05112004-004.jpg

COMMENTS:



DOCUMENT FILE NAME:
1430050003~05112004.doc

**1430050003 -- Peoria County
Frietsch Landfill #2
FOS File**

**Site Photographs
Page 3 of 7**

DATE: May 11, 2004

TIME: 8:58 a.m.

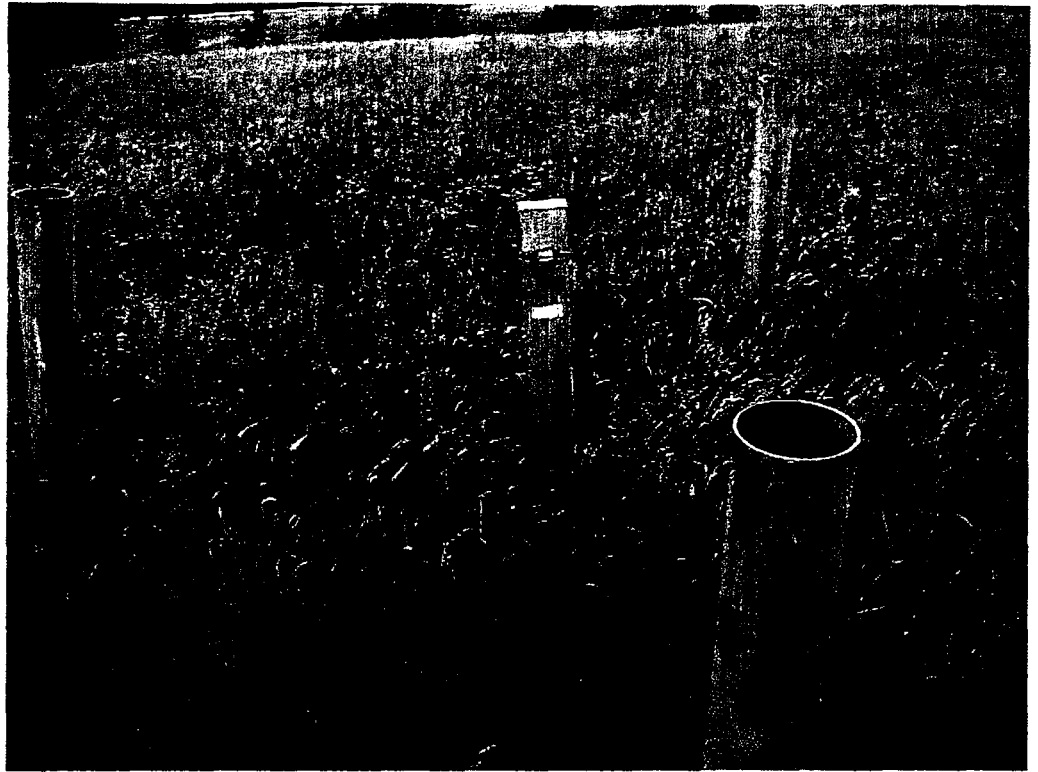
PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1430050003~05112004-005.jpg

COMMENTS: Leachate well
L102.



DATE: May 11, 2004

TIME: 8:58 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1430050003~05112004-006.jpg

COMMENTS:



DOCUMENT FILE NAME:
1430050003~05112004.doc

DATE: May 11, 2004

TIME: 9:00 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1430050003~05112004-007.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 9:00 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1430050003~05112004-008.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 9:04 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1430050003~05112004-009.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 9:04 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1430050003~05112004-010.jpg

COMMENTS:



**1430050003 -- Peoria County
Frietsch Landfill #2
FOS File**

**Site Photographs
Page 6 of 7**

DATE: May 11, 2004

TIME: 9:05 a.m.

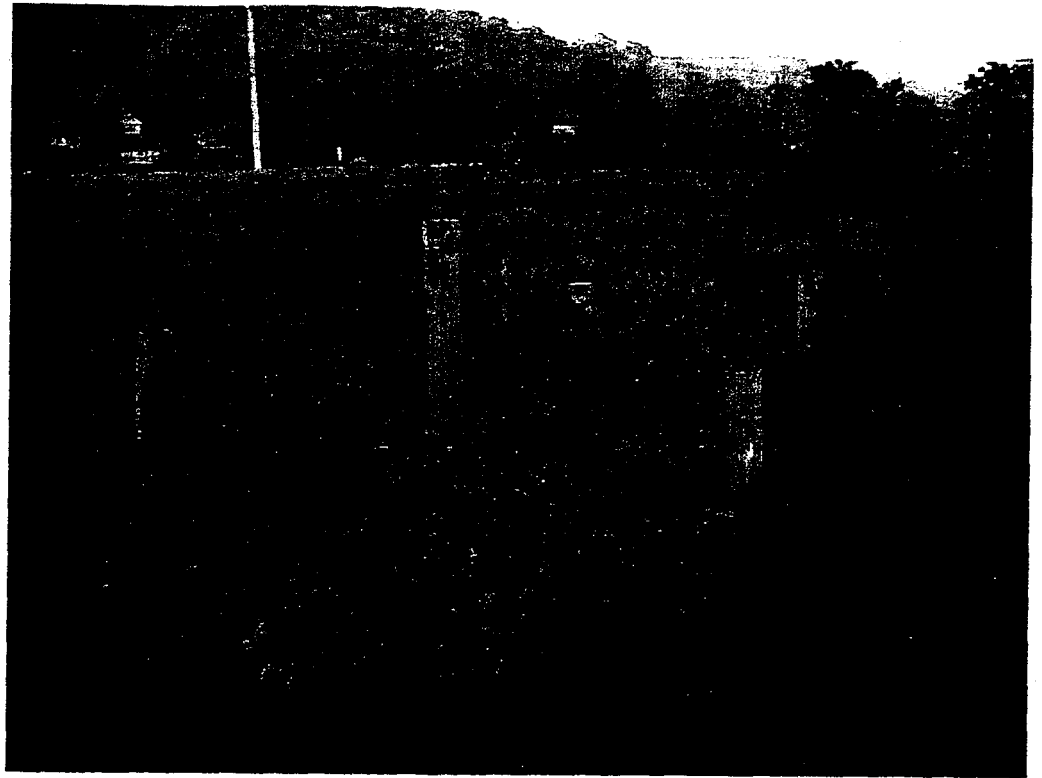
PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
1430050003~05112004-011.jpg

COMMENTS: Leachate well
L101 and piezometer P105.



DATE: May 11, 2004

TIME: 9:05 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
1430050003~05112004-012.jpg

COMMENTS:



DOCUMENT FILE NAME:
1430050003~05112004.doc

**1430050003 -- Peoria County
Frietsch Landfill #2
FOS File**

**Site Photographs
Page 7 of 7**

DATE: May 11, 2004

TIME: 9:06 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1430050003~05112004-013.jpg

COMMENTS:



DATE: May 11, 2004

TIME: 9:10 a.m.

PHOTOGRAPHED BY:
Ron Mehalic

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
1430050003~05112004-014.jpg

COMMENTS:



DOCUMENT FILE NAME:
1430050003~05112004.doc

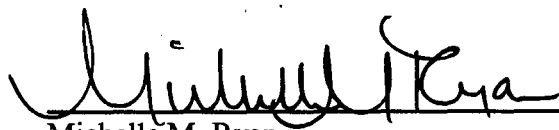
PROOF OF SERVICE

I hereby certify that I did on the 4th day of June 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Michael Lee Schenck
1125 Sunset Drive
East Peoria, Illinois 61611

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544