

December 7, 2020

To Whom It May Concern,

We are writing a statement to provide further commentary in regard to PCB 20-32. Included and attached to this statement you will find documentation which will serve as evidence supporting any claims or statements made. We are providing this in response to the post-hearing briefs made by the respondents and attorney general's office at the public hearing around PCB 20-32 on 8/19/2020.

Comments regarding Respondents Post-Hearing Brief

- *“A release of leachate from the Facility resulted from a cause yet to be determined.”*
 - This is not consistent with past reported causes - why the sudden change in approach? The Facility originally claimed that the release of leachate was due to criminal trespass and tampering of landfill equipment. We can only speculate that the Facility made this story up when the leachate incident occurred in order to avoid violations due to negligence in management of the Facility. Landfill 33 should be held accountable for falsely claiming criminal trespass and sabotage of their equipment when in reality this leachate problem occurred due to negligence.
 - Reference attachments 1a, 1b, 1c, 1d - where Landfill 33 repeatedly claims acts of criminal trespass and sabotage.
- *“The release of leachate into the unnamed tributary to Salt Creek resulted in the death of somewhere less than 200 predominantly small to very small fish, having an assessed value of less than \$20.00”*
 - Per the Illinois Dept of Natural Resources, Division of Fisheries, Report of Pollution-Caused Fish Kill dated 5/29/2017, “If not for the limited visibility caused by the effluent, additional fish would have been recovered.”
- *“After taking immediate action to clean up the leachate that had flowed from the Facility into the unnamed tributary to the Salt Creek, thereafter Respondents promptly installed a supplemental “lockout” system at the Facility designed to prevent leachate releases, and further placed the control equipment for this system upgrade inside a locked shed on the Facility grounds.”*
 - We advise the Pollution Control Board to review regulations tied to control equipment being placed within a locked containment unit (Shed) in order to operate normally. The fact that Landfill 33 did not have their control equipment protected prior to this incident is an example of negligence by Landfill 33. The Facility installed this as a reactive measure, but this is a standard that was not met by Landfill 33 for normal operation.

- *“At the time of the incident in question, the Respondents had no previously adjudicated violations of the Act.”*
 - Reference attachments 3a, 3b, 3c, & 3d. Respondents had prior violations cited on 10/5/2006 & 8/23/2007 and further violations after the leachate violation.
 - It is clear that the measures of accountability tied to the Act that have been in place to protect the environment are not being taken seriously by Landfill 33. The accountability tied to violations prior to PCB 20-32 were not taken seriously enough by Landfill 33 and the direct result was this specific case involving PCB 20-32. Violations taking place after PCB 20-32 further demonstrate that Landfill 33 continues to operate the Facility with negligence.

- *“Again, the Stipulation and Proposal for Settlement makes it clear that the Respondents mobilized immediately upon being notified of the release in question, the goal being to effectuate a complete cleanup within one (1) day (which, by the State’s own admission in the Stipulation and Proposal for Settlement, was done).”*
 - Reference Attachment 4a. We have yet to see any actual photos of the cleanup of the affected Tributary stream. In the referenced document, there are photos that appear to have been taken very close to the Landfill’s operation, but not within the actual Tributary stream where the Fish Kill (and supposed immediate cleanup) occurred. The Landfill was supposed to document all steps taken, all cleanup measures. It’s clear that the tributary itself was not cleaned if going by these photos for reference.

- *“Going further, the Stipulation and Proposal for Settlement includes and is based upon hard, objective facts – not unsubstantiated speculation and surmise such as engaged in the Objectors here.”*
 - Landfill 33’s legal team throws around the term “objective” loosely when referencing their so called facts, which is easy to do when the facts are not facts. Stating that Landfill 33 has no prior violations of the Act is not a fact. The fish kill occurred due to negligence in managing the Facility appropriately, and Landfill 33 should be held accountable for not only the negligence in managing the Facility in question but also for not being forthcoming and honest about their negligence when this leachate incident occurred.

- *“The Objectors claim widespread downstream affects here, yet these three people are the only three people among many that reside in the area that have objected to the settlement. (Query – if the adverse effects alleged here were so wide spread and egregious, than why no ground swell of protest by the other people that reside in the area in and around the Landfill?).”*
 - It’s clear that if the 3 people being referenced here hadn’t said anything about this leachate incident, no consequences to the Landfill would have occurred. This should be raising red flags to the EPA, local government, and the Pollution Control Board that the Landfill is not monitoring their facility appropriately to avoid environmental hazards proactively.

- We 3 people were the only owners of property downstream from the tributary to Salt Creek. Downstream from the Landfill no one lives close to these streams for approximately 1 mile. These are flood zones, home to only the animals and birds that live there in that environment. They cannot talk, so we are.
 - Several of the people that live in the area closer to the Landfill are part of the Wendt family who own the land the Facility operates on and receive funds from the Landfill.
 - Others that live close to the Landfill simply don't have the time to invest in going to hearings and staying up on the latest Landfill news or sadly just don't care. When a facility like this is polluting our environment, our property, devaluing our property, causing health hazards, reducing our quality of life, a lot of people shouldn't have to complain. Our local and state government agencies should do what needs to be done: Protect the People, Health, & Environment.
- *“the three Objectors allege dramatic and widespread impacts downstream of the Facility, yet Photos 1 and Photos 2 attached to the written comment obviously only depict a very small area of several square feet in diameter judging by the size of the vegetation in the foreground.”*
 - The photos provided were in fact just a small area of several square feet. The concern tied to the photos was the location of the impacted area. These show clear contamination in the stream bed that runs into Salt Creek. The Landfill claimed they cleaned these areas up within 24 hours, but they did not.
- *“while the Respondents went the “Extra Mile” here by implementing a double redundancy system to make sure that no such incident ever occurs again, consistent with the old adage “No good deed goes unpunished”, the Objectors find fault with this approach.”*
 - We don't see why the Landfill would do this when the whole problem originated with sabotage to the equipment, which was supposed to be protected all along. In our opinion, they invested the appropriate funding and redundancies because it was long overdue and in response to a major event. This underlines how the Landfill operates their facility with negligence. Why is this system suddenly needed now and why wasn't it there to begin with? The Landfill takes a reactive approach to managing their facility, when the Landfill should be proactive about their operation.
- *“Borries also condemns the efficacy of the system which was in place on the date of the incident in question, yet conveniently ignores that fact that this system had operated without incident for almost three decades.”*
 - “Without Incident” = “Without REPORTED Incident”
 - We are not confident that this is the first and only occurrence of a leachate spill from Landfill 33. The fact that this leachate incident was discovered by local residents and not the Landfill's own personnel, demonstrates their lack of standards in monitoring their operation. This incident would have never been

reported had local residents not stumbled upon this leachate spill and reported it to the appropriate authorities.

- *“In summary, in an era when environmental challenges in Illinois have become increasingly more complex and governmental resources within Illinois have decreased significantly, settlements reached in cases such as this should be approved, so as to allow the State of Illinois to Electronic Filing: Received, Clerk's Office 09/21/2020 8 1002788\306637991.v1 devote precious and relatively scarce resources to enforcement actions against true recalcitrant parties. Going further, rejection of a settlement such as this discourages proactive conduct by the regulated community, sends the wrong message, and runs contrary to good public policy.”*
 - This summary is communicating clearly that Landfill 33 is trying to downplay the seriousness of this incident. This is extremely serious to the local residents involved and should be taken seriously by the State of Illinois. Incidents like this deserve all necessary resources from the government in order to ensure our environment in Illinois is good for the people and our wildlife.

Comments regarding Complainants Post-Hearing Brief

- *“On or about May 29, 2017, a crack in one of the pipes attached to the leachate pumping system resulted in leachate overflowing downhill from the Facility into the Ditch and then into the unnamed tributary to Salt Creek. Complaint at 3. As a result of the leachate overflow, the Facility emitted an “odorous discharge” from the Ditch to the unnamed tributary downstream to Salt Creek, approximately 538 yards of the unnamed tributary to Salt Creek was affected, and an estimated 184 fish were killed. Id. at 3.”*
 - The Respondents do not acknowledge that this was the source of the leachate incident and state the causes are yet to be determined. If a settlement is to be reached, shouldn't the respondents and complainants agree on the cause of the leachate spill at a minimum?
- *“Respondents were Diligent in Attempting to Comply with the Act and Regulations. Mr. Borries next states that “[t]here is no documentation or pictures to support the clean up” of the unnamed tributary system. PC1 at 2. Mr. Borries provides no support for why such documentation needs to be included in the Settlement, and indeed, settlements are routinely filed that do not include detailed documents in support.”*
 - The Landfill is stating that the unnamed tributary was cleaned, but based on our observations it was not and the Landfill should be held accountable for not cleaning the unnamed tributary. The only reason they are stating that this was cleaned appropriately was to give the appearance that they went the extra mile in cleaning up the leachate spill. We observed that they did not. It was contaminated with leachate, where did all the leachate go? The EPA Inspector claimed that he saw no contamination in the unnamed tributary and makes no mention of it being cleaned in his reporting. This was the main area of where the

Fish Kill occurred and the Landfill photographed and documented all other areas of their cleanup effort, but left this part out.

- *“Mr. Borries does not provide any new facts for consideration of a higher penalty in this matter.”*
- *“Mr. Borries states to “[p]lease reference prior violations.” PC1 at 2. However, Mr. Borries does not state what the previous violations are that should be referenced. Without specific reference, the People are unable to respond to Mr. Borries’ statement”*
 - The respondents clearly state that there are no prior violations of the Act in their proposed settlement, when this is clearly not factual. Furthermore, it is concerning that the history of violations tied to Landfill 33 was not researched by the EPA prior to this hearing or proposed settlement.
 - Reference attachments 3a, 3b, 3c, & 3d. Respondents had prior violations cited on 10/5/2006 & 8/23/2007 and further violations after the leachate violation.
 - It is clear that the measures of accountability tied to the Act that have been in place to protect the environment are not being taken seriously by Landfill 33. The accountability tied to violations prior to PCB 20-32 were not taken seriously enough by Landfill 33 and the direct result was this specific case involving PCB 20-32. Violations taking place after PCB 20-32 further demonstrate that Landfill 33 continues to operate the Facility with negligence.



LANDFILL 33, LTD.

RECEIVED

1713 S. Willow, P.O. Box 703
Effingham, IL 62401
(217) 342-3747

SEP 13 2017

Sept 6, 2017

Illinois Bureau of Land
Attn: Brian White
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

EPA/BOL/WRCS

EPA - DIVISION OF RECORDS MANAGEMENT
REGISTRATION

SEP 19 2017

REVIEWER: RDH

RE: **Violation Notice: M-2017-01008**
0498100007 – Effingham County
Effingham/Landfill 33
Compliance File

Dear Mr. White,

Please know that Landfill 33, LTD would like to request to enter into a Compliance Commitment Agreement (CCA) with the Illinois Environmental Protection Agency (IEPA) in response to the alleged violations that are referenced in IEPA Violation Notice M-2017-01008.

To satisfy the requirements of the CCA Landfill 33 LTD proposes the following actions:

The following proposed corrective actions to be taken, and description of events, are directed to address all of the alleged violations pertaining to 1)The Environmental Protection Act 2) NPDES Violations 3)Violations Associated with Permit 1995-235-LFM, which are listed in Attachment A and B of Violation Notice M-2017-01008. All listed violations are the result of a criminal act of landfill equipment that appeared to cause a release into the environment.



Junior Legion postseason prepped to kick off

SPORTS, PAGE B1



Soy 'milk'? Feds can't agree on terminology

FARM & AUCTION, PAGE B5

THURSDAY, JULY 15, 2017

118th year, Volun

State identifies leaking substance at Landfill 33

Health Director

EFFINGHAM — The Illinois Department of Health identified the substance that leaked from Landfill 33 as a tributary of the South Creek in Effingham County, Illinois, on Tuesday. The results from water sampling conducted at the landfill in June, according to the Illinois Department of Health, showed the presence of a "leak" from the landfill.

Health Director said the substance was identified as a tributary of the South Creek in Effingham County, Illinois, on Tuesday. The results from water sampling conducted at the landfill in June, according to the Illinois Department of Health, showed the presence of a "leak" from the landfill.

"When they contacted the landfill manager, he and a local inspector checked the pump house for the south leachate tank and found leachate on the floor," said Biggs. "It was later determined that there was a crack in the south leachate tank and it overflowed when someone turned off the pump that pumps the liquid in the south leachate tank. The leachate is pumped from the south tank to the larger north tank. There is a commercial wastewater treatment plant, Foster, normal operations. The leachate was not sent

reached the creek, apparently leaving it undetected."

According to the Geographic Names Information System, the Salt Creek is a 39 kilometer-long tributary of the Little Wmash River and is also known as the Salt Creek.

Biggs added that leachate is not toxic but that it was assigned by the EPA to have high concentrations of total suspended solids, or material that can't be filtered, as well as biochemical oxygen demand, or BOD, which is



A truck heads east on South Willow Street in Effingham Wednesday, July 5, after crossing over the Big Salt Creek. The Illinois Environmental Protection Agency is currently investigating a leak from the Landfill 33 into a tributary of the creek following a report from a conservation police officer in June.

LANDFILL: Leaking substance at Landfill 33

Continued from Page A1

a measurement of the oxygen required to break down organic materials in water.

In turn, the dissolved oxygen levels in the water were lowered. That resulted in the fish kill that was observed by a conservation police officer, whose observations were detailed in a bi-weekly report in June. Biggs added that the

leachate in the ditch has been removed as was the impacted soil. Both were transported off site for disposal.

Landfill 33 opened in December of 1981. After an initial review of online EPA records showed no violations by Landfill 33, the EDN has since learned that the company was in fact cited for three violations. In 2006, Landfill 33

was issued a \$500 fine for uncovered refuse from the previous operating day or at the conclusion of an operating day.

Then in 2007, Landfill 33 was again cited for uncovered refuse, as well as for failure to collect and contain litter from the site by the end of each operating day, resulting in a \$1,000 penalty.

Operations manager, said that the leak was a result of pumping equipment at the landfill being "sabotaged." Hayes filed a report with the Effingham County Sheriff's Department, which outlines his concerns over tampered equipment.

Biggs says that the incident involving the leak is still being reviewed by the EPA for potential enforcement.



with.com, Effingham, the neighbor. He died in a death

EFFINGHAM

DAILY NEWS

effinghamdailynews.com

75 cents

THURSDAY, JULY 6, 2017



Effingham snaps Newton's win streak

SPORTS, PAGE B1



Governor urges House not to undo budget veto

NEWS, PAGE A3

118th year, Volume 156

State investigating leak at landfill

Equipment tampering blamed

Keith Stewart
Daily News

The Illinois Environmental Protection Agency is investigating a leak at Landfill 33 in Effingham and its connection to a fish kill in nearby Salt

Fork Creek. A landfill official said the problem was caused by someone illegally tampering with equipment.

The EPA's Kim Biggs said her agency learned of the leak on May 29 following an initial report

to the Illinois Emergency Management Agency.

A bi-weekly report by the Illinois Conservation Police for the period June 1-15 explained that after receiving information in reference to a fish kill near the landfill, a conservation police officer visited the area and observed a "toxic

liquid pouring out of the landfill into the creek."

Biggs clarified that while the initial observation may have described the leak as "toxic," that has not been confirmed by a sampling analysis and was not identified as such in the initial report to her agency.

Brian Hayes, the opera-

tions manager of Landfill 33, said that any leak was due to pumping equipment at the landfill being "sabotaged."

"Someone shut off some equipment that we never shut off," explained Hayes. "There is nothing wrong

Please see LEAK, Page A8

Charge upgraded in death case

Graham Milldrum
Daily News

A man charged with choking someone who later died has been indicted for involuntary manslaughter of a household member.

Robert Pendergast, 57, Effingham, was indicted on the

Effingham police at...

is over. Perhaps something will grow in the soil that was tilled in Springfield this week.



The Illinois Environmental Protection Agency is investigating a leak at Landfill 33 in Effingham and its connection to a fish kill in a nearby creek. A landfill official said the problem was caused by someone illegally tampering with equipment. The

EPA's Kim Biggs said her agency learned of the leak on May 29 following an initial report to the Illinois Emergency Management Agency. Brian Hayes, the operations manager of Landfill 33, said "Someone shut off some equipment that we never shut off," explained Hayes. "There is nothing wrong with the landfill. It was trespassers." Thorns to whoever would do such a thing.

CNHI Washington reporter Kery Murakami reported

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Fish Kill Report

5/29/17

I was notified by CPO Dave Hyatt of a fish kill in Effingham County on 5/29/17 at approximately 12:05 pm. The kill was reported in a small unnamed stream east of Effingham IL, T8N, R6E, NW ¼ Sect. 34. The nearest access to the stream was on property belonging to [REDACTED] [REDACTED] escorted me to the stream at approximately 4:20 pm. The stream was stained which limited visibility (< 12") and dead fish were visible both upstream and downstream of the access point. I walked downstream to the point at which the effected stream emptied into Salt Creek. I did not observe any dead fish in Salt Creek at this time. I then began walking upstream identifying and counting all dead fish. I walked upstream approximately 538 yards to a point at which a dark colored effluent was entering the stream from an adjacent landfill. No live fish were observed in between the point source of the effluent and Salt Creek however, live fish were observed immediately upstream of the effluent. Based on the state of fish decay, the fish kill had been going on for at least 1 - 2 days prior to my investigation. If not for the limited visibility caused by the effluent, additional fish would have been recovered.

ILLINOIS POLLUTION CONTROL BOARD

October 5, 2006

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

LANDFILL 33 LTD., RICHARD DIEBEL,)
and BRIAN HAYES,)

Respondents.)

AC 07-6

(IEPA No. 142-06-AC)

(Administrative Citation)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On August 7, 2006, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Landfill 33 Ltd, Richard Deibel, and Brian Hayes (collectively, Landfill 33, Deibel, and Hayes). See 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Agency alleged that on June 29, 2006, the Landfill 33, Deibel, and Hayes violated Section 21(o)(5) of the Environmental Protection Act (Act) (415 ILCS 5/21(o)(5) (2004)). The Agency further alleges that Landfill 33, Deibel, and Hayes violated this provision by conducting a sanitary landfill in a manner which resulted in uncovered refuse remaining from the previous . The alleged violations occurred at 1713 South Willow Street, Effingham County.

As required, the Agency served the administrative citation on Landfill 33, Deibel, and Hayes within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2004); see also 35 Ill. Adm. Code 108.202(b). To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violation alleged and impose the corresponding civil penalty. 415 ILCS 5/31.1(d)(1) (2004); 35 Ill. Adm. Code 108.204(b), 108.406. Here, any petition for review was due on September 15, 2006. Landfill 33, Deibel, and Hayes failed to timely file a petition. Accordingly, the Board finds Landfill 33, Deibel, and Hayes violated Section 21(o)(5) of the Act.

The civil penalty for violating Section 21(o) is \$500 for each violation. 415 ILCS 5/42(b)(4-5) (2004); 35 Ill. Adm. Code 108.500(a). Because there is one violation of Section 21(o), the total civil penalty is \$500. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ILLINOIS POLLUTION CONTROL BOARD

August 23, 2007

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

LANDFILL 33 LTD., WENDT FAMILY
TRUST, RICHARD DEIBEL, and BRIAN
HAYES,)

Respondents.)

AC 07-72

(IEPA No. 171-07-AC)

(Administrative Citation)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On June 29, 2007, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Landfill 33 Ltd., Wendt Family Trust, Richard Deibel, and Brian Hayes (respondents). See 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 108.202(c). The administrative citation concerns a site commonly known as Effingham/Landfill 33 Ltd, with Site Code No. 0498100007, located at 1713 South Willow Street, Effingham, Effingham County. For the reasons below, the Board finds that respondents violated the Environmental Protection Act (Act) (415 ILCS 5 (2006)) and orders respondents to pay \$1000 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. See 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2006); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that respondents violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5) and (o)(12) (2006)) by conducting a sanitary landfill operation in a manner resulting in (1) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day; and (2) a failure to collect and contain litter from the site by the end of each operating day. The Agency asks the Board to impose a \$1000 civil penalty on respondents. As required, the Agency served the administrative citation on respondents within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2006); see also 35 Ill. Adm. Code 108.202(b).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If a respondent fails to do so, the Board must find that the respondents committed the violation alleged and impose the corresponding civil penalty. See 415 ILCS 31.1(d)(1) (2006); 35 Ill. Adm. Code 108.204(b),

1ST ODER Violation



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR. ALEC MESSINA, DIRECTOR

(217)524-3300
TDD 217/782-9143

September 18, 2018

Landfill 33 Ltd
Attn: Brian Hayes
1713 South Willow Street
Effingham, Illinois 62401

CERTIFIED MAIL #7015-0640-0004-7915-9158
RETURN RECEIPT REQUESTED

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

Re: **Violation Notice L-2018-00125**
LPC #0498100007 - Effingham County
Effingham / Landfill 33 Ltd
Compliance File

OCT 03 2018

REVIEWER: RDH

Dear Mr. Hayes:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection conducted on June 5, 2018, by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

June 8, 2020

Landfill 33, Ltd.
Attn: David Oldfield
303 South Seventh Street
Vandalia, Illinois 62471

*2nd ODER Violation
with 1st mud Tracking Violation*

CERTIFIED MAIL #70181830000052804951
RETURN RECEIPT REQUESTED

Re: **Violation Notice I-2020-00169**
LPC # 0498100007- Effingham County
Effingham/Landfill 33
Compliance File

Dear Mr. Oldfield:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on February 18, 2020 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

RECEIVED
SEP 13 2017

Sept 6, 2017

Illinois Bureau of Land
Attn: Brian White
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

IEPA/BOL/WRCS

IEPA - DIVISION OF RECORDS MANAGEMENT
NON-EXEMPT

SEP 9 2017

REVIEWER: RDH

RE: **Violation Notice: M-2017-01008**
0498100007 – Effingham County
Effingham/Landfill 33
Compliance File

Dear Mr. White,

Please know that Landfill 33, LTD would like to request to enter into a Compliance Commitment Agreement (CCA) with the Illinois Environmental Protection Agency (IEPA) in response to the alleged violations that are referenced in IEPA Violation Notice M-2017-01008.

To satisfy the requirements of the CCA Landfill 33 LTD proposes the following actions:

The following proposed corrective actions to be taken, and description of events, are directed to address all of the alleged violations pertaining to 1)The Environmental Protection Act 2) NPDES Violations 3)Violations Associated with Permit 1995-235-LFM, which are listed in Attachment A and B of Violation Notice M-2017-01008. All listed violations are the result of a criminal act of landfill equipment that appeared to cause a release into the environment.

1 - Immediate compliance was achieved instantaneously, and the potential for any additional release was eliminated the very second that a landfill 33 employee noticed what appeared to be dirty water in a collection ditch on the South side of the landfill at 6:30am on May 30, 2017. His quick evaluation of the South tank leachate pump controls corrected the vandalism and eliminated the potential for further release. (Details provided in following description of events). In addition, all control panels were immediately secured during non business hours and cameras have been put in place.

2 - Removal of all visible residue, dirty water, and impacted soil in the ditches and the unnamed tributary, were removed immediately following the evaluation of the pump house controls. All impacted areas were clean by 3:00pm the same day, May 30, 2017.