



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY **RECEIVED**
CLERK'S OFFICE

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-1339 **JUL 13 2004**

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

STATE OF ILLINOIS
Pollution Control Board

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

ACC 5-03

July 8, 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. City of Freeport and Ryan Wilson
IEPA File No. 309-04-AC; 1770200015—Stephenson 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

JUL 13 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
CITY OF FREEPORT and RYAN WILSON,))
))
Respondents.)

AC 05-03
(IEPA No. 309-04-AC)

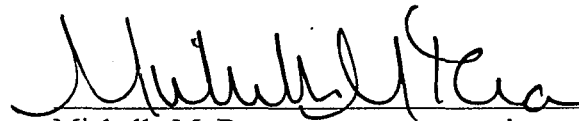
NOTICE OF FILING

To: Latacia Ishmon, City Clerk
City of Freeport
230 West Stephenson
Freeport, IL 61032

Ryan Wilson, P.E.
Fehr-Graham and Associates
221 E. Main Street
Freeport, IL 61032

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: July 8, 2004

JUL 13 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **STATE OF ILLINOIS**
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CITY OF FREEPORT and RYAN WILSON,)
)
Respondents.)

AC *05-03*
(IEPA No. 309-04-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 the City of Freeport is the permitted owner and operator and Ryan Wilson, P.E. is the certified operator (collectively "Respondents") of a facility located on South Walnut Road, Freeport, Stephenson County, Illinois.
2. That said facility is a closed, not yet certified, sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1995-281-LFM, and is designated with Site Code No. 1770200015. The facility is commonly known to the Illinois Environmental Protection Agency as Freeport/Municipal Landfill #4.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on June 2, 2004, Katherine Geyer of the Illinois Environmental Protection Agency's Rockford Regional Office inspected the above-referenced facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Katherine Geyer during the course of her June 2, 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 Respondents conducted a sanitary landfill in a manner which resulted in the 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).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2002), Respondents are subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of Five Hundred Dollars (\$500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than August 13, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 Respondents fail to petition or elect 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, Respondents' 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, Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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 *by me*
Illinois Environmental Protection Agency

Date 7/8/04

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,)	AC
)	(IEPA No. 309-04-AC)
v.)	
)	
CITY OF FREEPORT and RYAN WILSON,)	
)	
Respondents.)	

FACILITY:	Freeport/Municipal Landfill #4	SITE CODE NO.:	1770200015
COUNTY:	Stephenson	CIVIL PENALTY:	\$500.00
DATE OF INSPECTION:	June 2, 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
City of Freeport,) IEPA DOCKET NO.
)
Respondent)

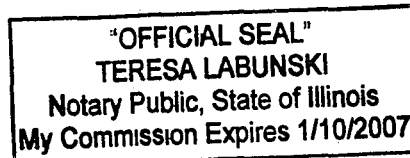
Affiant, Katherine Geyer, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On June 2, 2004, between 9:20 a.m. and 10:40 a.m., Affiant conducted an inspection of a permitted landfill located in Stephenson County, Illinois and known as Freeport Municipal Landfill #4 by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#1770200015 by the Agency.
3. Affiant inspected said site by an on-site inspection which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 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 said landfill.

Katherine Geyer
Katherine Geyer, EPS III

Subscribed and Sworn to Before Me
this 31 day of June, 2004

Teresa Labunski
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

811 Solid Waste Landfill Inspection Checklist

County: Stephenson LPC#: 1770200015 Region: 1 - Rockford
 Location/Site Name: Freeport/Freeport Municipal Landfill #4
 Date: 06/02/2004 Time: From 0920 To 1040 Previous Inspection Date: 03/25/2004
 Inspector(s): Geyer, Jacobsen Weather: cloudy, muddy, 60° F., humid
 No. of Photos Taken: # 5 Samples Taken: Yes # _____ No
 Interviewed: Reggie Taylor and Ryan Wilson Facility Phone No.: None

Permitted Owner Mailing Address
 Latacia Ishmon, Freeport City Clerk
 230 W. Stephenson
 Freeport, IL 61032

Permitted Operator Mailing Address
 (same as owner)
 RECEIVED
 JUN 22 2004

Chief Operator Mailing Address
 Ryan Wilson, Fehr-Graham and Associates
 221 E. Main Street *(as of 6-4-04)*
 Freeport, IL 61032

Certified Operator Mailing Address
 Ryan Wilson, Fehr-Graham and Associates
 221 E. Main Street
 Freeport, IL 61032
 EPA DISC

AUTHORIZATION: **OPERATIONAL STATUS:** **TYPE OF OPERATION:**
 Significant Modification Permit Operating Existing Landfills 814-Subpart C
 Initial: 1995-281-LFM Closed-Not Certified. 814-Subpart D
 Latest Mod. #10 (2-24-04) Closed-Date Certified: _____ New Landfills: 811-Putres./Chem.

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 Provisions)	<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 type="checkbox"/>
9.	21(f)(1) CONDUCT ANY HAZARDOUS WASTE-STORAGE, TREATMENT OR DISPOSAL OPERATION WITHOUT A RCRA PERMIT.	<input type="checkbox"/>

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Inspection Date: June 2, 2004

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 checked="" type="checkbox"/>
	(6)	Failure to Provide Final Cover Within Time Limits (application pending)	<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	<input type="checkbox"/>
11.	21(t)	CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) UNIT WITHOUT A PERMIT	<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	<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			
	745.181	CHIEF OPERATOR REQUIREMENTS	<input checked="" type="checkbox"/>
	745.201	PRIOR CONDUCT CERTIFICATION PROHIBITIONS	<input checked="" type="checkbox"/>
SPECIAL WASTE HAULING REQUIREMENTS			
23.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>

24.	809.302(a)	REQUIREMENTS FOR ACCEPTANCE OF SPECIAL WASTE FROM HAULERS	<input type="checkbox"/>
25.	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"/>
NEW SOLID WASTE LANDFILL REQUIREMENTS			
	PART 811 SUBPART	GENERAL STANDARDS FOR ALL LANDFILLS	
26.	811.103	SURFACE WATER DRAINAGE	
	(a)	Runoff from Disturbed Areas	<input type="checkbox"/>
	(b)	Diversion of Runoff from Undisturbed Areas	<input type="checkbox"/>
27.	811.104	SURVEY CONTROL	
	(a)	Boundaries Surveyed and Marked	<input type="checkbox"/>
	(b)	Stakes and Monuments Marked	<input type="checkbox"/>
	(c)	Stakes and Monuments Inspected	<input type="checkbox"/>
	(d)	Control Monument Established and Maintained	<input type="checkbox"/>
28.	811.105	COMPACTION	<input type="checkbox"/>
29.	811.106	DAILY COVER	
	(a)	Six Inches Soil	<input type="checkbox"/>
	(b)	Alternative Daily Cover	<input type="checkbox"/>
30.	811.107	OPERATING STANDARDS	
	(a)	Phasing of Operations	<input type="checkbox"/>
	(b)	Work Face Size and Slope	<input type="checkbox"/>
	(c)	Equipment	<input type="checkbox"/>
	(d)	Utilities	<input type="checkbox"/>
	(e)	Maintenance	<input type="checkbox"/>
	(f)	Open Burning	<input type="checkbox"/>
	(g)	Dust Control	<input type="checkbox"/>
	(h)	Noise Control	<input type="checkbox"/>
	(i)	Vector Control	<input type="checkbox"/>
	(j)	Fire Protection	<input type="checkbox"/>
	(k)	Litter Control	<input type="checkbox"/>
	(l)	Mud Tracking	<input type="checkbox"/>
	(m)	Liquid Restrictions for MSWLF Units	<input type="checkbox"/>
31.	811.108	SALVAGING	
	(a)	Salvaging Interferes with Operation	<input type="checkbox"/>
	(b)	Safe and Sanitary Manner	<input type="checkbox"/>
	(c)	Management of Salvagable Materials	<input type="checkbox"/>
32.	811.109	BOUNDARY CONTROL	
	(a)	Access Restricted	<input type="checkbox"/>
	(b)	Proper Sign Posted	<input type="checkbox"/>

33.	811.110	CLOSURE AND WRITTEN CLOSURE PLAN	
	(a)	Final Slopes and Contours	<input type="checkbox"/>
	(b)	Drainage Ways and Swales	<input type="checkbox"/>
	(c)	Final Configuration	<input type="checkbox"/>
	(d)	Written Closure Plan	<input type="checkbox"/>
	(e)	Initiation of Closure Activities at MSWLF Units	<input checked="" type="checkbox"/>
	(f)	Completion of Closure Activities at MSWLF Units	<input checked="" type="checkbox"/>
	(g)	Deed Notation for MSWLF Units	<input type="checkbox"/>
34.	811.111	POST-CLOSURE MAINTENANCE	
	(a)	Procedures After Receipt of Final Volume of Waste	<input type="checkbox"/>
	(b)	Remove All Equipment of Structures	<input type="checkbox"/>
	(c)	Maintenance and Inspection of the Final Cover and Vegetation	<input type="checkbox"/>
	(d)	Planned Uses of Property at MSWLF Units	<input type="checkbox"/>
35.	811.112	RECORDKEEPING REQUIREMENTS FOR MSWLF UNITS	
	(a)	Location Restriction Demonstration	<input type="checkbox"/>
	(b)	Load Checking Requirements	<input type="checkbox"/>
	(c)	Gas Monitoring Records	<input type="checkbox"/>
	(d)	MSWLF Liquid Restriction Records	<input type="checkbox"/>
	(e)	Groundwater Monitoring Program Requirements	<input type="checkbox"/>
	(f)	Closure and Post Closure Care Requirements	<input type="checkbox"/>
	(g)	Cost Estimates and Financial Assurance Requirements	<input type="checkbox"/>
	PART 811 SUBPART C	PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS	
36.	811.302	FACILITY LOCATION	
	(c)	Site Screening (Does Not Apply To Part 814-Subpart D Sites)	<input type="checkbox"/>
37.	811.309	LEACHATE TREATMENT AND DISPOSAL SYSTEM	
	(a)	General Requirements	<input type="checkbox"/>
	(c)	Standards for On-Site Treatment and Pretreatment	<input type="checkbox"/>
	(d)	Standards for Leachate Storage System	<input type="checkbox"/>
	(e)	Standards for Discharge to Off-Site Treatment	<input type="checkbox"/>
	(f)	Standards for Leachate Recycling Systems	<input type="checkbox"/>
	(g)	Standards for Leachate Monitoring Systems	<input type="checkbox"/>
38.	811.310	LANDFILL GAS MONITORING (FOR SITES ACCEPTING PUTRESCIBLE WASTE)	
	(b)	Location and Design of Gas Monitoring Wells	<input type="checkbox"/>
	(c)	Monitoring Frequency for Landfill Gas	<input type="checkbox"/>
	(d)	Monitoring Parameters	<input type="checkbox"/>
39.	811.311	LANDFILL GAS MANAGEMENT SYSTEM (FOR CHEMICAL AND PUTRESCIBLE LANDFILLS)	
	(a)	Conditions for Installation of Gas Management System	<input type="checkbox"/>
	(b)	Notification and Implementation Requirements	<input type="checkbox"/>
	(c)	Standards for Gas Venting	<input type="checkbox"/>
	(d)	Standards for Gas Collection	<input type="checkbox"/>

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Inspection Date: June 2, 2004

40.	811.312	LANDFILL GAS PROCESS AND DISPOSAL SYSTEM	
	(c)	No Unpermitted Gas Discharge	<input type="checkbox"/>
	(d)	Gas Flow Rate Measurements into Treatment of Combustion Device	<input type="checkbox"/>
	(e)	Standards for Gas Flares	<input type="checkbox"/>
	(f)	Standards for On-Site Combustion of Landfill Gas Using Devices Other Than	<input type="checkbox"/>
	(g)	Gas Transported Off-Site	<input type="checkbox"/>
41.	811.313	INTERMEDIATE COVER	
	(a)	Requirements for the Application for Intermediate Cover	<input checked="" type="checkbox"/>
	(b)	Runoff and Infiltration Control	<input checked="" type="checkbox"/>
	(c)	Maintenance of Intermediate Cover	<input checked="" type="checkbox"/>
42.	811.314	FINAL COVER SYSTEM (DOES NOT APPLY TO PART 814 SITES THAT HAVE CLOSED, COVERED AND VEGETATED PRIOR TO SEPTEMBER 18, 1990)	
	(a)	General Requirements	<input type="checkbox"/>
	(b)	Standards for Low Permeability Layer	<input checked="" type="checkbox"/>
	(c)	Standards for Final Protective Layer	<input type="checkbox"/>
43.	811.316	PLUGGING AND SEALING OF DRILL HOLES	<input type="checkbox"/>
44.	811.321	WASTE PLACEMENT	
	(a)	Phasing of Operations	<input type="checkbox"/>
	(b)	Initial Waste Placement	<input type="checkbox"/>
45.	811.322	FINAL SLOPE AND STABILIZATION	
	(a)	Grade Capable of Supporting Vegetation and Minimizing Erosion	<input type="checkbox"/>
	(b)	Slopes Required to Drain	<input type="checkbox"/>
	(c)	Vegetation	<input type="checkbox"/>
	(d)	Structures Built over the Unit	<input type="checkbox"/>
46.	811.323	LOAD CHECKING PROGRAM	
	(a)	Load Checking Program Implemented	<input type="checkbox"/>
	(b)	Load Checking Program for PCB's at MSWLF Units	<input type="checkbox"/>
	(c)	Load Checking Program Components	<input type="checkbox"/>
	(d)	Handling Regulated Hazardous Wastes	<input type="checkbox"/>
	PART 811 SUBPART D	MANAGEMENT OF SPECIAL WASTES AT LANDFILLS	
47.	811.402	NOTICE TO GENERATORS AND TRANSPORTERS	<input type="checkbox"/>
48.	811.403	SPECIAL WASTE MANIFESTS REQUIREMENTS	<input type="checkbox"/>
49.	811.404	IDENTIFICATION RECORD	
	(a)	Special Waste Profile Identification Sheet	<input type="checkbox"/>
	(b)	Special Waste Recertification	<input type="checkbox"/>
50.	811.405	RECORDKEEPING REQUIREMENTS	<input type="checkbox"/>
51.	811.406	PROCEDURES FOR EXCLUDING REGULATED HAZARDOUS WASTES	<input type="checkbox"/>

LPC #: 1770200015

Inspection Date: June 2, 2004

PART 811 SUBPART G		FINANCIAL ASSURANCE	
52.	811.700	COMPLY WITH FINANCIAL ASSURANCE REQUIREMENTS OF PART 811, SUBPART G	<input type="checkbox"/>
53.	811.701	UPGRADING FINANCIAL ASSURANCE	<input type="checkbox"/>
54.	811.704	CLOSURE AND POST-CLOSURE CARE COST ESTIMATES	<input type="checkbox"/>
55.	811.705	REVISION OF COST ESTIMATE	<input type="checkbox"/>
SOLID WASTE FEE SYSTEM REQUIREMENTS			
56.	Part 858 Subpart B	MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES	<input type="checkbox"/>
57.	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	<input type="checkbox"/>
OTHER REQUIREMENTS			
58.	OTHER:	APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
59.	Part 813.504	ANNUAL REPORT CONTENTS AND SUBMITTAL TO THE AGENCY	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Katherine L. Geyer

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 (o) 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.

RECEIVED
JUN 22 2004
IEPA-DLPC

General Remarks

On June 2, 2004, Kaare Jacobsen and the writer (Kathy Geyer) conducted a solid waste inspection at the Freeport Municipal Landfill No. 4. This inspection was conducted to determine whether the facility was in compliance with all applicable rules and regulations set forth by the Illinois Environmental Protection Agency (IEPA) and the Illinois Pollution Control Board. The above referenced facility is located on South Walnut Road in Freeport, Illinois.

On April 5, 2003 the Freeport Municipal Landfill No. 4 ceased accepting waste. Fehr-Graham and Associates, on behalf of the City of Freeport submitted a Permit application (log #2003-441) to extend closure activities beyond the required 6 months after acceptance of the last load of waste. The original deadline date, April 13, 2004, has been extended until July 12, 2004. The extension was considered necessary by Fehr-Graham and Associates and the IEPA's Permit Section to allow further information to be submitted.

During a previous inspection, which took place on September 8, 2003, alleged solid waste violations were cited. A Violation Notice (M-2003-01038) was mailed to the City Clerk, Latacia Ishmon. Since then, Fehr-Graham & Associates, on behalf of the City of Freeport, have responded to the Violation Notice. The response, a Compliance Commitment Agreement letter, was rejected. Fehr-Graham then submitted a second proposal (which was not considered a Compliance Commitment Agreement pursuant to Section 31 of the Regulations), which was acceptable and resolved some of the violations. The City of Freeport was notified in January of 2004 of the resolved violations by letter. Another inspection was completed on March 25, 2004. As a result of the March 25 inspection, a letter was mailed to Latacia Ishmon, resolving several more violations, but reiterated that there remained several violations from the original inspections.

Upon arrival at 9:20a.m, we identified ourselves to the director of the Freeport Community Development Department, Reggie Taylor and a representative from Fehr-Graham & Associates, Ryan Wilson. Mr. Ryan Wilson was, as of the date of this inspection, the Certified Operator of the landfill, and had submitted an application for Prior Conduct Certification. As of June 4, 2004, the Prior Conduct Certification was granted (two days after this inspection), making Mr. Wilson the Chief Operator.

We then proceeded walking along the south side of the landfill on the old haul road, and continued along the haul road over the east edge of the landfill to the north side of the landfill. We found several areas with exposed refuse, mostly from erosion, with small gullies. Also, there were several "washouts" along the lower levels of the landfill, with what appeared to be clayey sand fanning out. It

was obvious that the intermediate cover in these areas, especially on the southeast, east, and northeast sides had less than the required 12" thickness for intermediate cover. The conditions were muddy, but the road was passable. The vegetation on the landfill was still sparse, as mentioned in previous reports. When I asked Mr. Wilson if they attempted to seed the landfill, he told us "no, we just let the weeds grow." There were also several areas of small leachate flows, but upon further investigation, they appeared to be self-limiting at this time. They didn't go off of the landfill proper or into a waterway.

Five photographs were taken. The following is a description of the photographs. They are all stored in digital file #1770200015~06022004.

- #001 faces north, near the southeast corner of the landfill, showing a "rill" with a leachate seep and exposed refuse.
- #002 faces west, showing a self-limiting leachate seep at the east side of the landfill.
- #003 faces west, showing the east face of the landfill, with several washed out gullies.
- #004 faces west, showing a tire which popped through the intermediate cover, and some other unidentifiable refuse (the tire may have been accepted before the landfill ban, this is an older portion of the landfill).
- #005 faces southeast, showing the northeast side of the landfill.

On June 15, 2004, I noted that the Rockford Regional Office had not yet received a copy of the annual landfill report, as required by the permit, Section 813.504 of the Regulations, and Section 21(o)(11) of the Act. I confirmed that the Agency had not received a copy by contacting Jackie Muchow of the Administrative Support Unit at the Agency's headquarters, who maintains a database of all of the required reports. This report was due by May 1, 2004, according to Permit condition #III.2 on page 14. The report covers calendar year 2003. The annual report was also not received for the calendar year 2002.

During this inspection, the following are "new" apparent violations:

- Sect. 21(o)(5) of the Act; uncovered refuse;
- Sect: 21(o)(11) of the Act; failure to submit required report (2 annual reports);
- Sect. 811.313(a) of the Regulations; inadequate depth of intermediate cover;
- Sect. 811.313(b) of the Regulations; intermediate cover not graded to facilitate drainage of runoff and minimize infiltration;
- Sect. 811.313(c) of the Regulations; grade and thickness of intermediate cover shall be maintained, all cracks, rills...shall be maintained to prevent exposure of refuse by vectors, and to minimize infiltration...;

- Sect. 813.504 of the Regulations; required annual report not submitted to the Agency;
- Condition III.2, pg. 14 of Modification #10 of the permit; required annual report not submitted.

The following solid waste violations appear to be outstanding at this time, from previous inspections, along with deadlines:

Outstanding Violation:	Date scheduled for compliance:
21(d)(1) of the Act	03/01/04
21(d)(2)	03/01/04
745.181 of the Regulations	(resolved 6/4/04)
745.201	(resolved 6/4/04)
811.110(e)	07/12/04*
811.314(b)	07/12/04
Permit conditions:**	Date scheduled for compliance:
I.23, pg. 6	07/12/04
I.43, pg. 13	None (resolved 6/4/04)
VIII.3, pg. 20	07/12/04
XI.2, pg. 23	None

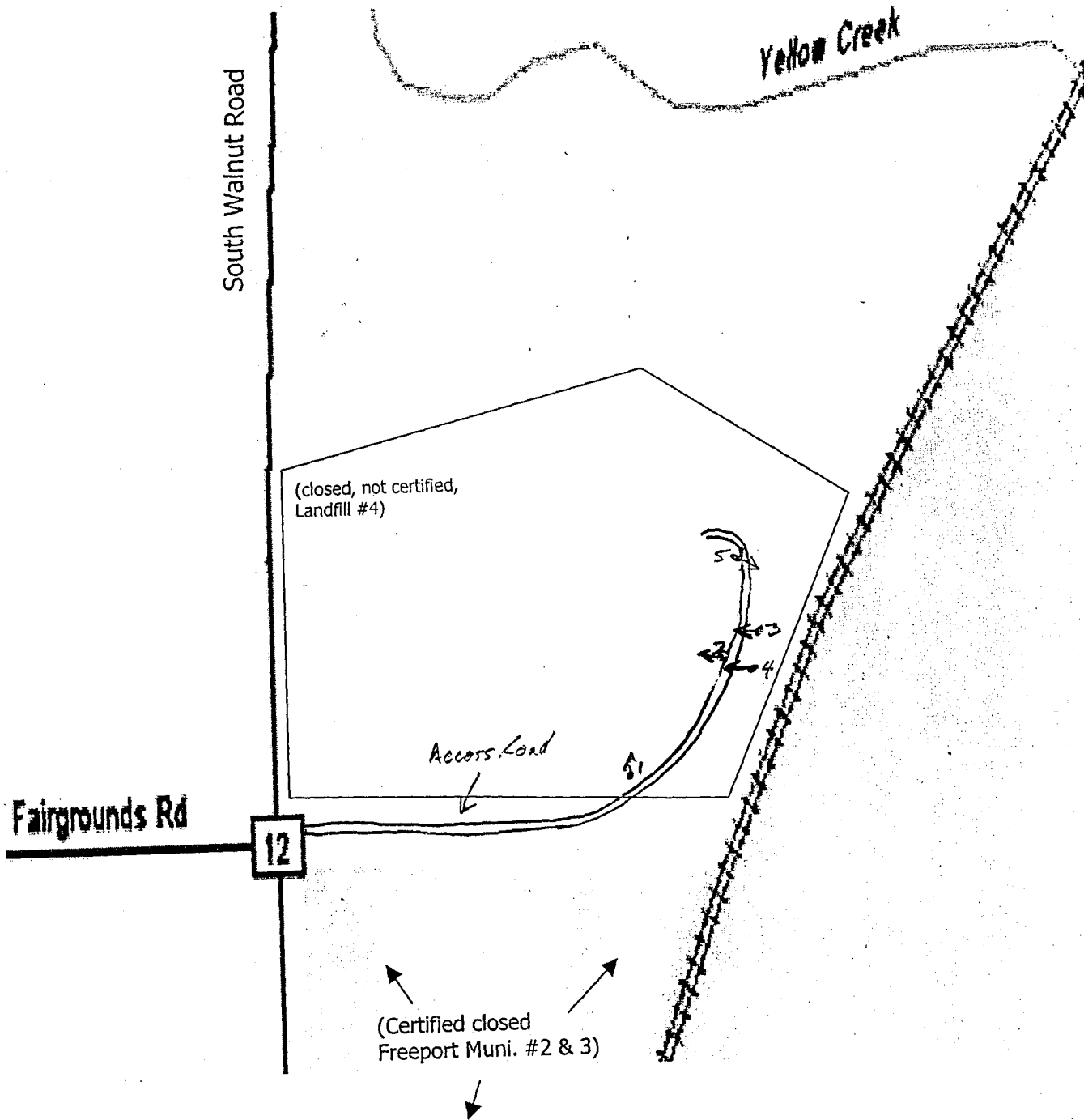
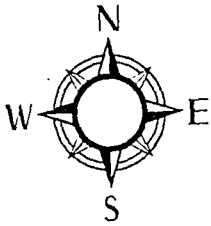
* July 12, 2004 is the permit deadline for application log #2003-441. All of the alleged violations with this deadline are part of application log #2003-441.

** The listed permit conditions are from Modification #10 of permit #1995-281-LFM, dated February 24, 2004. The same permit violations were cited previously, but may have slightly different reference numbers.

1770200015-Stephenson County Freeport Muni. Landfill #4

Date of Inspection: June 2, 2004

Time of Inspection: 0920-1000



(no scale)
(photos in digital file #1770200015~06022004)

LPC # 1770200015 – Stephenson County
Freeport/Freeport Municipal Landfill # 4
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 6-2-04
TIME: 0931
DIRECTION: north
PHOTO by: Jacobsen
PHOTO FILE NAME:
1770200015-060204-001
COMMENTS: leachate seep



DATE: 6-2-04
TIME: 0933
DIRECTION: west
PHOTO by: Jacobsen
PHOTO FILE NAME:
1770200015-060204-002
COMMENTS: leachate seep



LPC # 1770200015 – Stephenson County
Freeport/Freeport Municipal Landfill # 4
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 6-2-04

TIME: 0937

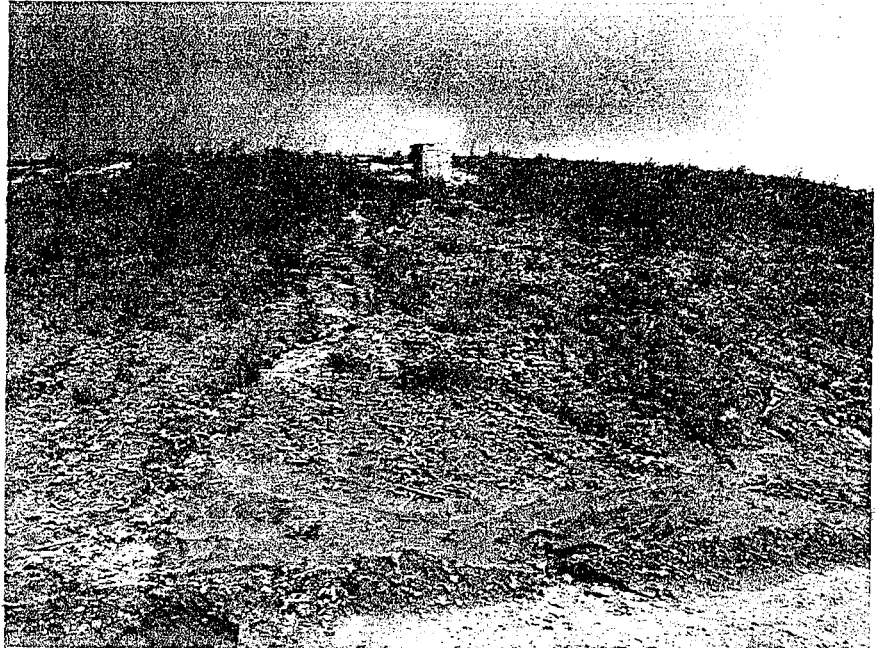
DIRECTION: west

PHOTO by: Jacobsen

PHOTO FILE NAME:

1770200015-060204-003

COMMENTS: The east face of
the closed landfill.



DATE: 6-2-04

TIME: 0937

DIRECTION: west

PHOTO by: Jacobsen

PHOTO FILE NAME:

1770200015-060204-004

COMMENTS: An exposed
used/waste tire.



LPC # 1770200015 – Stephenson County
Freeport/Freeport Municipal Landfill # 4
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 6-2-04

TIME: 0942

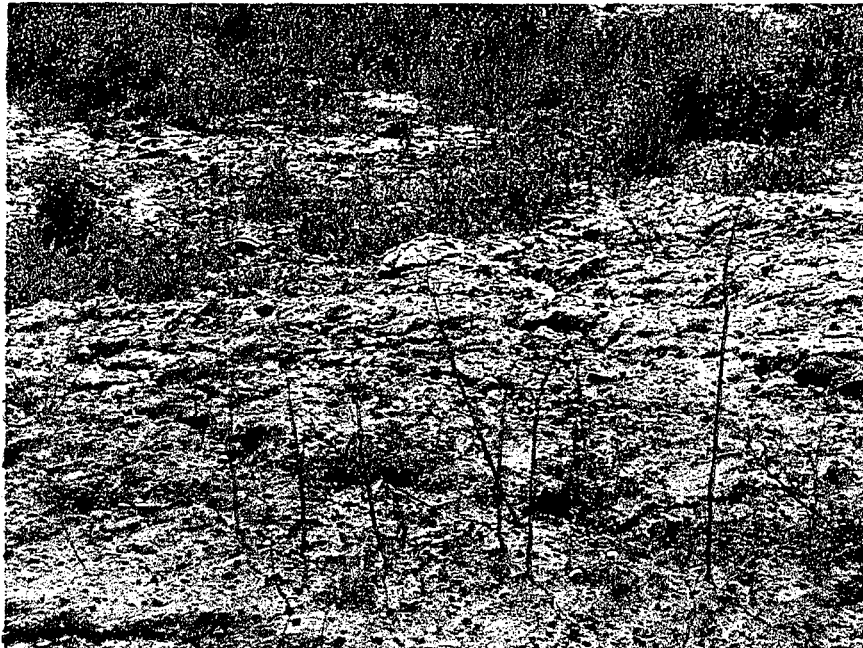
DIRECTION: southeast

PHOTO by: Jacobsen

PHOTO FILE NAME:

1770200015-060204-005

COMMENTS: The northeast
section of the closed landfill.



PROOF OF SERVICE

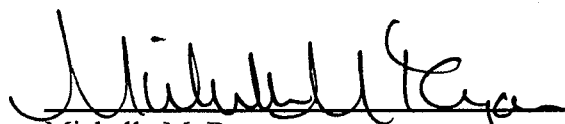
I hereby certify that I did on the 8th day of July 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Latacia Ishmon, City Clerk
City of Freeport
230 West Stephenson
Freeport, IL 61032

Ryan Wilson, P.E.
Fehr-Graham and Associates
221 E. Main Street
Freeport, IL 61032

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