



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

JUN 29 2007

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

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

June 27, 2007

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

A 107-72

Re: Illinois Environmental Protection Agency v. Landfill 33 Ltd, Wendt Family Trust, Richard Deibel and Brian Hayes
IEPA File No. 171-07-AC, 0498100007—Effingham 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 811 Solid Waste Landfill 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

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463
BUREAU OF LAND - PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120
MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JUN 29 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LANDFILL 33 LTD., WENDT FAMILY)
TRUST, RICHARD DEIBEL and BRIAN)
HAYES,)
)
Respondents.)

ORIGINAL

AC 07-72
(IEPA No. 171-07-AC)

NOTICE OF FILING

To: Wendt Family Estate, Lori Wendt-Martin, Executor
1713 South Willow
P.O. Box 703
Effingham, IL 62401

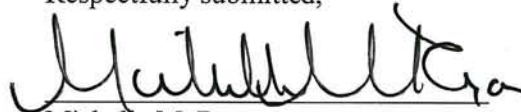
Richard Deibel
1713 South Willow
P.O. Box 703
Effingham, IL 62401

Landfill 33 Ltd.
1713 S. Willow St.
P.O. Box 703
Effingham, IL 62401

Brian Hayes
1713 S. Willow St.
P.O. Box 703
Effingham, IL 62401

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 811 SOLID WASTE LANDFILL 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 27, 2007

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUN 29 2007
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Complainant,)
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v.)
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LANDFILL 33 LTD., WENDT FAMILY)
TRUST, RICHARD DEIBEL and BRIAN)
HAYES,)
))
Respondents.)

AC 07-72
(IEPA No. 171-07-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 (2004).

FACTS

1. That the Wendt Family Estate, Landfill 33 Ltd. and Richard Deibel are the permitted owners, Landfill 33 Ltd. is the permitted operator, Richard Deibel is the Chief Operator in responsible charge and Brian Hayes is the certified operator (collectively "Respondents") of a facility located at 1713 South Willow Street, Effingham County, Illinois.

2. That said facility is a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1995-231-LFM, and is designated with Site Code No. 0498100007. The facility is commonly known to the Illinois Environmental Protection Agency as Effingham/Landfill 33 Ltd.

3. That Respondents have owned/operated said facility at all times pertinent hereto.

4. That on May 30, 2007, Deanna Carlock of the Illinois Environmental Protection Agency's Champaign 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 Deanna Carlock during the course of her May 30, 2007 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 uncovered refuse remaining from the previous operating day or at the conclusion of any operating day, a violation of Section 21(o)(5) of the Act, 415 ILCS 5/21 (o)(5) (2004).

- (2) That Respondents conducted a sanitary landfill in a manner which resulted in failure to collect and contain litter by the end of each operating day, a violation of Section 21(o)(12) of the Act, 415 ILCS 5/21 (o)(12) (2004).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2004), Respondents are 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 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 15, 2007, 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 (2004), 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) (2004), 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 (2004). 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.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date 6/27/07

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

ORIGINAL

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

JUN 29 2007

STATE OF ILLINOIS
Pollution Control Board

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)

FACILITY: Effingham/Landfill 33 Ltd.

SITE CODE NO.: 0498100007

COUNTY: Effingham

CIVIL PENALTY: \$1000.00

DATE OF INSPECTION: May 30, 2007

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.

ORIGINAL

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
811 Solid Waste Landfill Inspection Checklist**

County: Effingham LPC#: 0498100007 Region: 4 - Champaign
 Location/Site Name: Effingham/Landfill 33 Ltd
 Date: 5-30-07 Time: From 5:15 a.m. To 9:45 a.m. Previous Inspection Date: 3-14-07
 Inspector(s): D. Carlock Weather: Overcast, becoming sunny, and 60 - 61° F.
 No. of Photos Taken: # 14 Samples Taken: Yes # No
 Interviewed: Brian Hayes, Oper. & Jennifer Buening Facility Phone No.: 217-342-3747

Permitted Owner Mailing Address
 Wendt Family Trust
 Lori Wendt-Martin, Executor
 1713 South Willow St., P.O. Box 703
 Effingham, IL 62401

Permitted Operator Mailing Address
 Landfill #33 Ltd.,
 Contact: Brian Hayes
 1713 South Willow St., P.O. Box 703
 Effingham, IL 62401

RECEIVED
 CLERK'S OFFICE
 JUN 29 2007
 STATE OF ILLINOIS
 Pollution Control Board

Chief Operator Mailing Address
 Richard Deibel
 1713 South Willow, P.O. Box 703
 Effingham, IL 62401

Certified Operator Mailing Address
 Brian Hayes
 1713 South Willow St., P.O. Box 703
 Effingham, IL 62401

AUTHORIZATION: Significant Modification Permit Initial: 1995-231-LFM Latest 2006-246
OPERATIONAL STATUS: Operating Closed-Not Certified. Closed-Date Certified:
TYPE OF OPERATION: Existing Landfills 814-Subpart C 814-Subpart D 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 checked="" type="checkbox"/>
9.	21(f)(1)	CONDUCT ANY HAZARDOUS WASTE-STORAGE, TREATMENT OR DISPOSAL OPERATION WITHOUT A RCRA PERMIT.	<input type="checkbox"/>

LPC #: 0498100007
 Inspection Date: 5-30-07

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	<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 type="checkbox"/>
	(12)	Failure to Collect and Contain Litter by the End of each Operating Day	<input checked="" 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 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	<input type="checkbox"/>
14.	22.17	LANDFILL POST-CLOSURE CARE	NE
	(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"/>

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 A	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 checked="" type="checkbox"/>
	(b)	Alternative Daily Cover	<input checked="" 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 checked="" 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 Salvageable 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	NE
	(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 type="checkbox"/>
	(f)	Completion of Closure Activities at MSWLF Units	<input type="checkbox"/>
	(g)	Deed Notation for MSWLF Units	<input type="checkbox"/>
34.	811.111	POST-CLOSURE MAINTENANCE	NE
	(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	NE
	(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)	NE
	(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)	NE
	(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"/>
40.	811.312	LANDFILL GAS PROCESS AND DISPOSAL SYSTEM	NE
	(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 Flares	<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 type="checkbox"/>
	(b)	Runoff and Infiltration Control	<input type="checkbox"/>
	(c)	Maintenance of Intermediate Cover	<input 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 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"/>
	PART 811 SUBPART G	FINANCIAL ASSURANCE	NE
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			NE
56.	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	<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.	Permit Condition II(2)(e)	Uncovered refuse remaining from a previous operating day	<input checked="" type="checkbox"/>
60.	Permit Condition II(2)(l)	Failure to collect and contain litter at the end of each operating day.	<input checked="" type="checkbox"/>

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.

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC# 0498100007—Effingham County

Effingham/Landfill 33 Ltd.

FOS File

Inspector: Deanna Carlock

Inspection Date: 30 May 2007

Permit No. 1995-231-LFM; renewal #2006-246, approved 5-28-07

LANDFILL INSPECTION NARRATIVE

I inspected Landfill 33 Ltd. from approximately 5:15 to 9:15 a.m. on March 30, 2007. The purpose of the inspection was to determine compliance with 35 Illinois Administrative Code Section 811 (Regulations) and the Environmental Protection Act (Act). The weather was overcast and 65° F, becoming sunny and about 80° F. The inspection consisted of driving and walking over the site, observing operations, and reviewing landfill records. Brian Hayes & Jennifer Buening were interviewed during the records inspection.

Background Information:

Landfill 33 Ltd. is located southeast of Effingham, Illinois, on the south side of State Route 33. The landfill property is 95 acres and the permitted waste imprint covers 40.6 of those acres. The landowners are the Wendt Family Trust; Landfill 33, Ltd.; and Richard Deibel. Richard Deibel is President of Landfill 33 Ltd., which operates the landfill. Brian Hayes is the Site Manager and Certified Operator. Permitted operating hours are 5:00 a.m. to 7:00 p.m. Monday through Saturday. Waste hauling company, Sanitation Services of Effingham, is also located on site. The landfill is open to the public from 7:00 a.m. to 3:00 p.m. weekdays and 7:00 to 11:00 a.m. on Saturday.

Daily Cover/Active Fill Area, Landfill Slopes and Perimeters:

When I arrived, operations had not begun and the alternate daily cover was still in place. There was debris sticking out for a foot or two all around the edges of the geofabric daily cover. Waste was littered around the inside of the cell, extending down the north slope towards the retention pond (see Photos #1 through 3, 6, and 7). The fencing surrounding the cell prevented any from reaching the pond (see Photo #4). I drove into the cell and found a pile of tipped waste next to the cover, but could not determine whether it had been left by one of the garbage trucks earlier in the morning (see Photo #5).

The compactor sitting nearby had loose waste on the ground surrounding it, in addition to the waste wrapped tightly around the wheels (see Photo #8). I spoke with Brian Hayes later and he said that in order to clean the wheels, employees drive into the maintenance shop and use knives and chain saws to cut off the tightly wound plastic waste.

The west slope of the eastern cell (immediately east of the working cell, along the middle access road) had waste protruding from gullies washed in the surface (see Photo 9). The rest of the slopes were fairly clean, although some soil washing was beginning on the slopes that have not developed adequate cover after new cover work.

A few pieces of waste could be seen in a gully washed across the west perimeter road (see Photos #12 and 13). These were removed during my inspection. I walked to the Salt creek west of the landfill and observed that the water appeared clean.

Monitoring Wells:

All wells I encountered during my inspection were closed and locked. They were recently sampled by Andrews Engineering and Jeff Turner of this office, so Mr. Turner will evaluate the groundwater sampling data from this event and any observed increases reported by the facility.

Gas Flares and Landfill Gas Monitoring:

The south gas flare (X321) was burning but the north flare (X320) was not. There was no clicking sound, which indicates the lighter is working. I discussed this with Mr. Hayes and he will have it checked. Methane levels have increased; notably X301 (northeast corner of landfill) in January and X305 (southwest corner of landfill) in December exceeded 50% of the LEL, but repeat sampling did not exceed the LELs.

Records Inspection:

I inspected the Random Load Inspection Records. Jennifer Buening inspects at least three random loads per week and records the results. Records met the requirements of the permit and Section 811.323 of the Regulations. No hazardous waste was encountered.

Special waste records added since my last inspection included petroleum-contaminated soil from Dunn's University BP in Charleston. USI was the contractor and First Environmental Lab, Inc. of Naperville did the analytical testing. Certifications and required documents were complete.

Recent Reports and Permit Modifications Submitted:

Modification #17, Addendum #4 for Permit Renewal Application #2006-246 was received on April 18, 2007; the new renewal for the operating permit (#1995-231-LFM) was issued on May 18, 2007.

Permit Log #2006-236 (Modification #16) was received on June 15, 2006, regarding the soil investigation in the area of G17S and subsequent proposal. The decision deadline has been extended to July 15, 2007.

A revision of the annual closure, post-closure costs (Permit Log #2007-199) was received on May 10, 2007. A decision from the Agency is due by August 18, 2007.

Solid Waste Fees for the Third Quarter 2006 were received on January 16 & 17, 2007. The total of waste received for that period was 22,882.43 tons.

The latest Annual Facility Report dated May 2007 was received May 1, 2007. The facility began the application of final cover to 7 acres during 2006. In October 2006 the sidewall liner was applied by Poly-Flex of Texas. It consists of a 40-mil and sandwiched filter (consisting of plastic grid between two layers of felt). Cover vegetation will complete the final cover of the south and southeast sidewalls.

Apparent Violations Observed During this Inspection:

1. Pursuant to Section 21(d)(1) of the Act, in relevant part, 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, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.
A violation of Section 21(d)(1) of the Act is alleged for the following reason: **You are in violation of the permit conditions noted in Items 8 and 9 below.**
2. Pursuant to Section 21(d)(2) of the Act, 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) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **You are in violation of regulations as noted in Item 6 & 7 below.**
3. Pursuant to Section 21(e) of the Act, 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 cited because **this site does not meet the requirements of the Act and regulations.**
4. Pursuant to Section 21(o)(5) of the Act, 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 uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit.
A violation of Section 21(o)(5) of the Act is alleged for the following reason: **Uncovered waste remaining from a previous operating day was observed during this inspection.**
5. Pursuant to Section 21(o)(12) of the Act 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 the failure to collect and contain all litter by the end of each operating day.
A violation of Section 21(o)(12) of the Act is alleged for the following reason: **Litter remaining from a previous operating day was observed during this inspection.**
6. Pursuant to 35 Ill. Adm. Code 811.106(a), a uniform layer of at least 0.15 meter (six inches) of clean soil material shall be placed on all exposed waste by the end of each day of operation. Pursuant to 35 Ill. Adm. Code 811.106(b), alternative materials or procedures, including the

removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior performance to the requirements of subsection (a) in the following areas: 1) Prevention of blowing debris; 2) Minimization of access to the waste by vectors; 3) Minimization of the threat of fires at the open face; and 4) Minimization of odors.

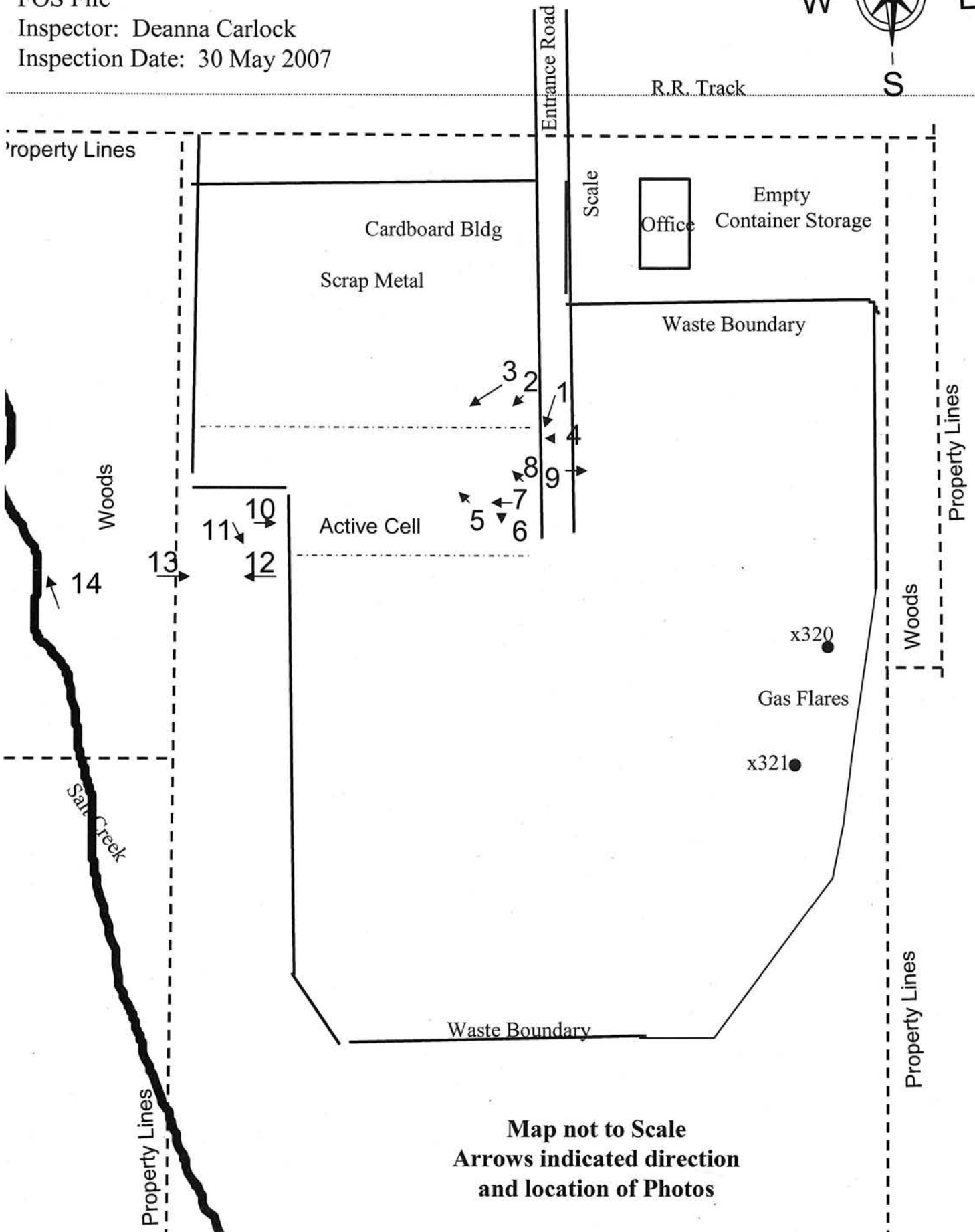
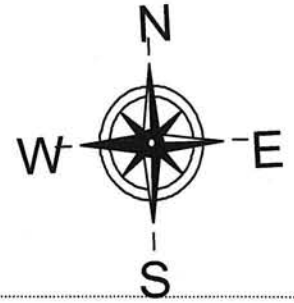
A violation of 35 Ill. Adm. Code 811.106(a) & (b) is alleged for the following reason:

Uncovered waste remaining from a previous operating day was observed during this inspection.

7. Pursuant to 35 Ill. Adm. Code 811.107(k), the operator shall patrol the facility daily to check for litter accumulation. All litter must be collected and placed in the fill or in a secure, covered container for later disposal.
A violation of 35 Ill. Adm. Code 811.107(k) is alleged for the following reason: **Litter remaining from the previous day's operation was observed during this inspection.**
8. Pursuant to Permit #1995-231, dated May 18, 2007, Condition II.2.e, the operator of this solid waste facility shall not conduct the operation in a manner which results in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit.
A violation of Permit #1995-231 is alleged for the following reason: **Uncovered waste remaining from a previous operating day was observed during this inspection.**
9. Pursuant to Permit #1995-231, dated May 18, 2007, Condition II.2.1, the operator shall not conduct the operation in a manner which results in failure to collect and contain litter from the site by the end of each operating day.
A violation of Permit #1995-231 is alleged for the following reason: **Litter remaining from the previous day's operation was observed during this inspection.**

Site Photo Map

0498100007--Effingham County
Effingham/Landfill 33 Ltd.
FOS File
Inspector: Deanna Carlock
Inspection Date: 30 May 2007



Map not to Scale
Arrows indicated direction
and location of Photos



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:38 a.m.
Direction: Southwest
Photo by: D.
Carlock
Exposure #: 001
Comments:
Slope of working
cell.



Date: 5-30-07
Time: 5:38 a.m.
Direction: Southwest
Photo by: D.
Carlock
Exposure #: 002
Comments:
Waste outside daily
cover.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:38 a.m.
Direction: Southwest
Photo by: D.
Carlock
Exposure #: 003
Comments:
Waste in cell,
outside daily cover.



Date: 5-30-07
Time: 5:40 a.m.
Direction: West
Photo by: D.
Carlock
Exposure #: 004
Comments:
Cell retention
pond— clean. Waste
being stopped by
fence on left.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:42 a.m.
Direction: Northwest
Photo by: D.
Carlock
Exposure #: 005
Comments:
Tipped load of
waste.



Date: 5-30-07
Time: 5:44 a.m.
Direction: South
Photo by: D.
Carlock
Exposure #: 006
Comments:
Waste run over
during previous day,
still on ground.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:45 a.m.
Direction: West
Photo by: D. Carlock
Exposure #: 007
Comments:
Daily cover, with waste scattered outside the cover, and pile of waste.



Date: 5-30-07
Time: 5:45 a.m.
Direction: Northwest
Photo by: D. Carlock
Exposure #: 008
Comments:
Waste wrapped on compactor wheels.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:47 a.m.
Direction: East
Photo by: D.
Carlock
Exposure #: 009
Comments:
West slope of eastern cell.



Date: 5-30-07
Time: 5:55 a.m.
Direction: East
Photo by: D.
Carlock
Exposure #: 010
Comments:
West side of working cell.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 5:56 a.m.
Direction: Southeast
Photo by: D.
Carlock
Exposure #: 011
Comments:
West side of working
cell. G132



Date: 5-30-07
Time: 5:57 a.m.
Direction: West
Photo by: D.
Carlock
Exposure #: 012
Comments:
Just a little waste in
gully across west
perimeter road.



DIGITAL PHOTOGRAPHS File Names: 04981000007~03142007-[Exp. #].jpg



Date: 5-30-07
Time: 6:00 a.m.
Direction: East
Photo by: D. Carlock
Exposure #: 013
Comments:
Same gully a few feet further west, this was last of the waste the length of drainage. It was picked up by employees during inspection.



Date: 5-30-07
Time: 8:03 a.m.
Direction: North
Photo by: D. Carlock
Exposure #: 014
Comments:
Salt Creek—clean.

ORIGINAL

PROOF OF SERVICE

RECEIVED
CLERK'S OFFICE

JUN 29 2007

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 27th day of June 2007, 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 811 SOLID WASTE LANDFILL INSPECTION CHECKLIST

To: Family Estate, Lori Wendt-Martin, Executor
1713 South Willow
P.O. Box 703
Effingham, IL 62401
Cert #7004 2510 0001 8587 9256

Richard Deibel
1713 South Willow
P.O. Box 703
Effingham, IL 62401
Cert #7004 2510 0001 8587 9270

Landfill 33 Ltd.
1713 S. Willow St.
P.O. Box 703
Effingham, IL 62401
Cert #7004 2510 0001 8587 9263

Brian Hayes
1713 S. Willow St.
P.O. Box 703
Effingham, IL 62401
Cert #7004 2510 0001 8587 9287

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
Cert #7004 2510 0001 8587 9294



Michelle M. Ryan
Special Assistant Attorney General

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P.O. Box 19276
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