



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) 814-6000

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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AUG 07 2006

STATE OF ILLINOIS  
Pollution Control Board

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

August 2, 2006

*AC07-006*

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. Landfill 33 Ltd, Richard Deibel and Brian Hayes  
IEPA File No. 142-06-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

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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

AC 07-006  
(IEPA No. 142-06-AC)

**NOTICE OF FILING**

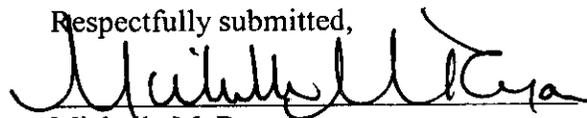
To: Landfill 33 Ltd.  
1713 South Willow St.  
P.O. Box 703  
Effingham, IL 62401

Richard Deibel  
804 Glenwood  
Effingham, IL 62401

Brian Hayes  
1713 South Willow St.  
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: August 2, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC
	)	(IEPA No. 142-06-AC)
v.	)	
	)	
LANDFILL 33 LTD., RICHARD DEIBEL and	)	
BRIAN HAYES,	)	
	)	
Respondents.	)	

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 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 June 29, 2006, 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 June 29, 2006 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).

#### 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 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 September 15, 2006, 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 *by wec*  
Illinois Environmental Protection Agency

Date 8/2/06

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

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AUG 07 2006

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

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

AC *07.006*  
(IEPA No. 142-06-AC)

FACILITY: Effingham/Landfill 33 Ltd.

SITE CODE NO.: 0498100007

COUNTY: Effingham

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: June 29, 2006

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  
811 Solid Waste Landfill Inspection Checklist**

County: Effingham LPC#: 0498100007 Region: 4 - Champaign  
 Location/Site Name: Effingham/Landfill 33 Ltd  
 Date: 6-29-06 Time: From 4:45 a.m. To 8:45 a.m. Previous Inspection Date: 3-31-06  
 Inspector(s): D. Carlock Weather: Mostly sunny, 65 to 80 degrees F.  
 No. of Photos Taken: # 11 Samples Taken: Yes #      No   
 Interviewed: Brian Hayes, Operator Facility Phone No.: 217-342-3747

Permitted Owner Mailing Address

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

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 2005-333

**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.

Permit Expires: **10-1-06**

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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"/>

10.	21(o)	<b>CONDUCT A SANITARY LANDFILL OPERATION WHICH RESULTS IN ANY OF THE FOLLOWING CONDITIONS:</b>	
		(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 type="checkbox"/>
(13)	Failure to Submit Any Cost Estimate, Performance Bond or Other Security <input type="checkbox"/>		
11.	21(t)	<b>CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) UNIT WITHOUT A PERMIT MODIFICATION</b>	<input type="checkbox"/>
12.	21.6(b)	<b>ACCEPTANCE OF LIQUID USED OIL FOR FINAL DISPOSAL (EFFECTIVE JULY 1, 1996)</b>	<input type="checkbox"/>
13.	22.01	<b>FAILURE TO SUBMIT ANNUAL NONHAZARDOUS SPECIAL WASTE</b>	<input type="checkbox"/>
14.	22.17	<b>LANDFILL POST-CLOSURE CARE</b>	<i>NE</i>
	(a)	Failure to Monitor Gas, Water, Settling	<input type="checkbox"/>
	(b)	Failure to Take Remedial Action	<input type="checkbox"/>
15.	22.22(c)	<b>ACCEPTANCE OF LANDSCAPE WASTE FOR FINAL DISPOSAL</b>	<input type="checkbox"/>
16.	22.23(f)(2)	<b>CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY</b>	<input type="checkbox"/>
17.	22.28(b)	<b>ACCEPTANCE OF WHITE GOODS FOR FINAL DISPOSAL</b>	<input type="checkbox"/>
18.	55(b)(1)	<b>ACCEPTANCE OF ANY USED OR WASTE TIRE FOR FINAL DISPOSAL (UNLESS LANDFILL MEETS EXEMPTION OF 55(b)(1))</b>	<input type="checkbox"/>
19.	56.1(a)	<b>CAUSE OR ALLOW THE DISPOSAL OF ANY POTENTIALLY INFECTIOUS MEDICAL WASTE</b>	<input type="checkbox"/>
<b>SOLID WASTE SITE OPERATOR CERTIFICATION LAW REQUIREMENTS</b>			
20.	225 ILCS 230/1004	<b>CAUSING OF ALLOWING OPERATION OF A LANDFILL WITHOUT PROPER COMPETENCY CERTIFICATE</b>	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS</b>			
<b>SUBTITLE G</b>			
<b>PRIOR CONDUCT CERTIFICATION REQUIREMENTS</b>			
	745.181	<b>CHIEF OPERATOR REQUIREMENTS</b>	<input type="checkbox"/>
22.	745.201	<b>PRIOR CONDUCT CERTIFICATION PROHIBITIONS</b>	<input type="checkbox"/>

<b>SPECIAL WASTE HAULING REQUIREMENTS</b>			
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"/>
<b>NEW SOLID WASTE LANDFILL REQUIREMENTS</b>			
	<b>PART 811 SUBPART A</b>	<b>GENERAL STANDARDS FOR ALL LANDFILLS</b>	
26.	811.103	<b>SURFACE WATER DRAINAGE</b>	
	(a)	Runoff from Disturbed Areas	<input type="checkbox"/>
	(b)	Diversion of Runoff from Undisturbed Areas	<input type="checkbox"/>
27.	811.104	<b>SURVEY CONTROL</b>	
	(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	<b>COMPACTION</b>	<input type="checkbox"/>
29.	811.106	<b>DAILY COVER</b>	
	(a)	Six Inches Soil	<input checked="" type="checkbox"/>
	(b)	Alternative Daily Cover	<input checked="" type="checkbox"/>
30.	811.107	<b>OPERATING STANDARDS</b>	
	(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)	<b>Vector Control</b>	<input checked="" 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	<b>SALVAGING</b>	
	(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	<b>BOUNDARY CONTROL</b>	
	(a)	Access Restricted	<input type="checkbox"/>
	(b)	Proper Sign Posted	<input type="checkbox"/>
33.	811.110	<b>CLOSURE AND WRITTEN CLOSURE PLAN</b>	<b>NE</b>
	(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	<b>POST-CLOSURE MAINTENANCE</b>	<b>NE</b>
	(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	<b>RECORDKEEPING REQUIREMENTS FOR MSWLF UNITS</b>	
	(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"/>
	<b>PART 811 SUBPART C</b>	<b>PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS</b>	
36.	811.302	<b>FACILITY LOCATION</b>	
	(c)	Site Screening (Does Not Apply To Part 814-Subpart D Sites)	<input type="checkbox"/>
37.	811.309	<b>LEACHATE TREATMENT AND DISPOSAL SYSTEM</b>	
	(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	<b>LANDFILL GAS MONITORING (FOR SITES ACCEPTING PUTRESCIBLE WASTE)</b>	<b>NE</b>
	(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	<b>LANDFILL GAS MANAGEMENT SYSTEM (FOR CHEMICAL AND PUTRESCIBLE LANDFILLS)</b>	<b>NE</b>
	(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	<b>LANDFILL GAS PROCESS AND DISPOSAL SYSTEM</b>	<b>NE</b>
	(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	<input type="checkbox"/>
	(g)	Gas Transported Off-Site	<input type="checkbox"/>
41.	811.313	<b>INTERMEDIATE COVER</b>	
	(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	<b>FINAL COVER SYSTEM (DOES NOT APPLY TO PART 814 SITES THAT HAVE CLOSED, COVERED AND VEGETATED PRIOR TO SEPTEMBER 18, 1990)</b>	
	(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	<b>PLUGGING AND SEALING OF DRILL HOLES</b>	<input type="checkbox"/>
44.	811.321	<b>WASTE PLACEMENT</b>	
	(a)	Phasing of Operations	<input type="checkbox"/>
	(b)	Initial Waste Placement	<input type="checkbox"/>
45.	811.322	<b>FINAL SLOPE AND STABILIZATION</b>	
	(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	<b>LOAD CHECKING PROGRAM</b>	
	(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"/>
	<b>PART 811 SUBPART D</b>	<b>MANAGEMENT OF SPECIAL WASTES AT LANDFILLS</b>	
47.	811.402	<b>NOTICE TO GENERATORS AND TRANSPORTERS</b>	<input type="checkbox"/>
48.	811.403	<b>SPECIAL WASTE MANIFESTS REQUIREMENTS</b>	<input type="checkbox"/>
49.	811.404	<b>IDENTIFICATION RECORD</b>	
	(a)	Special Waste Profile Identification Sheet	<input type="checkbox"/>
	(b)	Special Waste Recertification	<input type="checkbox"/>
50.	811.405	<b>RECORDKEEPING REQUIREMENTS</b>	<input type="checkbox"/>

51.	811.406	PROCEDURES FOR EXCLUDING REGULATED HAZARDOUS WASTES	<input type="checkbox"/>
	<b>PART 811 SUBPART G</b>	<b>FINANCIAL ASSURANCE</b>	<b>NE</b>
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"/>
<b>SOLID WASTE FEE SYSTEM REQUIREMENTS</b>			<b>NE</b>
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"/>
<b>OTHER REQUIREMENTS</b>			
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)(f)	Uncovered refuse remaining from a previous operating day	<input checked="" type="checkbox"/>
	Permit Condition II(19)	Uncontrolled vectors [gulls and vultures]	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>



**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: 29 June 2006

Permit No. 1995-231-LFM, Modification 16; **Expiration date:** October 1, 2006 (Renewal

Application received-see narrative)

GIS Data: Latitude-N 39° 06' 06", Longitude-W 088° 31' 33" (Garmin GPSMAP 76S)

LANDFILL INSPECTION NARRATIVE

On June 29, 2006, I conducted a quarterly landfill inspection at the above-referenced facility from approximately 5:50 to 9:00 a.m. 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 sunny and the temperature warmed up from 65 to 80° F. The soil was dry. Eleven photos were taken during the inspection. During the records inspection facility operator, Brian Hayes, and office associate Jennifer Buening were interviewed.

**Background Information:**

Landfill 33 Ltd. is located southeast of Effingham, Illinois, on State Route 33. The landowners are Lori Wendt-Martin, 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. Local waste hauling company, Sanitation Services of Effingham, operates from the same site. The landfill is open to the public beginning at 7:00 a.m.

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

When I arrived at the landfill at 5:00 a.m. the entrance gates were closed, locked, and no one was present. I left the site and returned to the entrance later. An employee arrived about 5:55 a.m. and opened the gates. I drove back to the operating cell and into it from the south side. The first thing I noticed were 5 or 6 buzzards (turkey vultures) sitting and walking around on the ground on the north side of the black geotextile cover. As I drove into the cell, I also saw several gulls flying from the ground. Realizing I did not have a camera with me, I drove to the nearest convenience store and purchased a disposable camera and returned to the cell. Employees had not yet arrived at the working face and the birds were still walking on uncovered waste next to the daily cover. Two buzzards were still on the ground when I took Photo #3, with zoom lens, but they do not show up in the photo. As I approached closer, they flew to the trees west of the landfill.

Although the cover had been pulled over the main parts of the landfill face, the material did not cover waste on the edges of the cover for several feet (see Photos #2 through 5). From the upper elevation I could also see that there was a gap of 3 to 4 foot width in the black cover on the north side (see Photo #6). The birds had been in contact with the uncovered waste.

Employees removed the daily cover about 6:30 a.m. and the first garbage trucks began arriving.

Groundwater monitoring reports are received electronically and not readily available for review by this inspector. Fourth Quarter 2005 data was received by the Agency on March 3, 2006.

The last annual Groundwater Flow Evaluation was received on July 15, 2005. Flow is generally to the south and southeast.

The latest Solid Waste Landfill Capacity Certification was received March 24, 2006, dated January 1, 2006. During the 2005 year 278,008 cubic yards of waste were received. At that rate, there were 11 years of operation remaining.

Solid Waste Fees for the First Quarter 2006 were received on April 14, 2006. The total of waste received for that period was 29,991.03 tons.

The latest Annual Facility Report dated May 1, 2006 was received May 1, 2006. The facility plans to apply final cover to 7 acres during 2006.

#### **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 [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **You are in violation of the permit conditions noted in Items 6 and 7 below.**

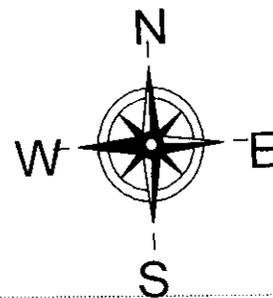
2. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

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 4 & 5 below.**

3. 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.

# Site Photo Map

0498100007--Effingham County  
Effingham/Landfill 33 Ltd.  
FOS File  
Inspector: Deanna Carlock  
Inspection Date: 29 June 2006



R.R. Track

9-11

Property Lines

Cardboard Bldg  
Scrap Metal

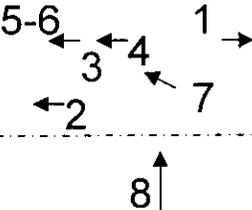
Scale

Office

Empty  
Container Storage

Waste Boundary

Active Cell



Property Lines

x320

Gas Flares

x321

Salt Creek

Waste Boundary

Property Lines

Property Lines

**Map not to Scale**  
**Arrows indicated direction**  
**and location of Photos**



**DIGITAL PHOTOGRAPHS** File Names: 0498100007 ~ 06292006-[Exp. #].jpg



Date: 6-29-06  
Time: 6:15 a.m.  
Direction: East  
Photo by: D. Carlock  
Exposure #: 001  
Comments:  
East side of cell, with  
light-colored sandbags  
on the sidewall liner.



Date: 6-29-06  
Time: 6:15-6:30 a.m.  
Direction: West  
Photo by: D. Carlock  
Exposure #: 002  
Comments:



**DIGITAL PHOTOGRAPHS** File Names: 0498100007 ~ 06292006-[Exp. #].jpg

Date: 6-29-06  
Time: 6:15-6:30 a.m.  
Direction: West  
Photo by: D. Carlock  
Exposure #: 003  
Comments:  
Uncovered waste



Date: 6-29-06  
Time: 6:15-6:30 a.m.  
Direction: West  
Photo by: D. Carlock  
Exposure #: 004  
Comments:  
Uncovered waste





## **DIGITAL PHOTOGRAPHS**

File Names: 0498100007 ~ 06292006-[Exp. #].jpg



**Date:** 6-29-06  
**Time:** 6:15-6:30 a.m.  
**Direction:** West  
**Photo by:** D. Carlock  
**Exposure #:** 005  
**Comments:**  
Uncovered waste  
outside of daily cover.



**Date:** 6-29-06  
**Time:** 6:15-6:30 a.m.  
**Direction:** South  
**Photo by:** D. Carlock  
**Exposure #:** 006  
**Comments:**  
Note strip of waste  
showing through torn  
black daily cover.



**DIGITAL PHOTOGRAPHS** File Names: 0498100007 ~ 06292006-[Exp. #].jpg

**Date:** 6-29-06  
**Time:** 6:15-6:30 a.m.  
**Direction:** Northwest  
**Photo by:** D. Carlock  
**Exposure #:** 007  
**Comments:**



Tan cover on left; black cover on right, with waste showing. Pile of shredded railroad ties is used for roadways.

**Date:** 6-29-06  
**Time:** 6:35 a.m.  
**Direction:** North  
**Photo by:** D. Carlock  
**Exposure #:** 008  
**Comments:**



Working cell with daily cover removed.

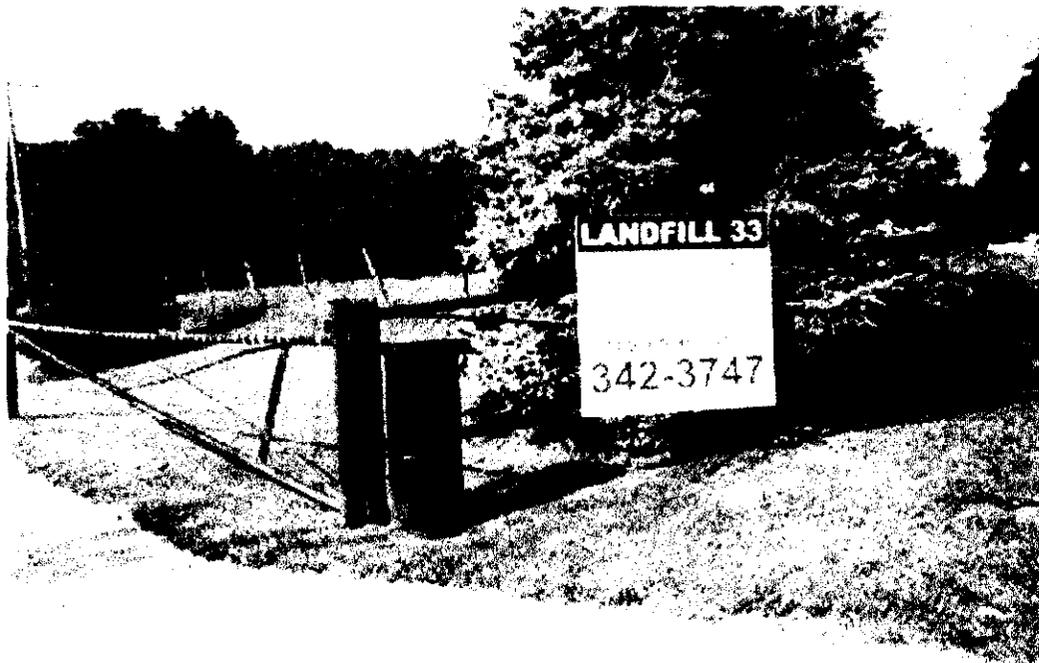


## DIGITAL PHOTOGRAPHS

File Names: 0498100007 ~ 06292006-[Exp. #].jpg



Date: 6-29-06  
Time: 9:00 a.m.  
Direction: Southeast  
Photo by: D. Carlock  
Exposure #: 009  
Comments:  
Sign at Entrance



Date: 6-29-06  
Time: 9:00 a.m.  
Direction: Southwest  
Photo by: D. Carlock  
Exposure #: 010  
Comments:  
Sign at Entrance



## ***DIGITAL PHOTOGRAPHS***

File Names: 0498100007 ~ 06292006-[Exp. #].jpg



Date: 6-29-06  
Time: 9:00 a.m.  
Direction: South  
Photo by: D. Carlock  
Exposure #: 011  
Comments: Entrance  
Gate near Route 33.  
Lawnmower on right

**CORPORATION FILE DETAIL REPORT**

Entity Name	LANDFILL 33 LTD	File Number	52291208
Status	GOODSTANDING		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	02/04/1981	State	ILLINOIS
Agent Name	DAVID A OLDFIELD	Agent Change Date	09/16/2002
Agent Street Address	303 S SEVENTH ST	President Name & Address	RICHARD DEIBEL 804 N GLENWOOD EFFINGHAM 62401
Agent City	VANDALIA	Secretary Name & Address	RUTH DEIBEL 202 N WILLOW STREET EFFINGHAM 62401
Agent Zip	62471-0000	Duration Date	PERPETUAL
Annual Report Filing Date	01/25/2006	For Year	2006

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**PROOF OF SERVICE**

I hereby certify that I did on the 2nd day of August 2006, 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: Landfill 33 Ltd.  
1713 South Willow St.  
P.O. Box 703  
Effingham, IL 62401

*Cert. # 7004 2510 0001 8588 0849*

Richard Deibel  
804 Glenwood  
Effingham, IL 62401

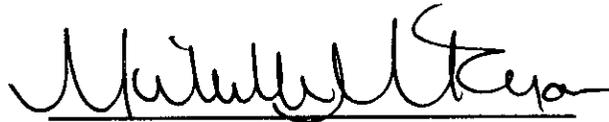
*Cert. # 7004 2510 0001 8588 0825*

Brian Hayes  
1713 South Willow St.  
Effingham, IL 62401

*Cert. # 7004 2510 0001 8588 0856*

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

THIS FILING SUBMITTED ON RECYCLED PAPER