

**RECEIVED**  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 22 2003  
ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF VERMILION, ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
BRICKYARD DISPOSAL AND RECYCLING, )  
INC., )  
Respondent. )

AC No. 03-31

County File No. B-01

**JURISDICTION**

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

**FACTS**

1. Respondent, Brickyard Disposal and Recycling, Inc., is, and was at all times relevant to this Administrative Citation, the operator of a facility located at 601 East Brickyard Road, Danville, County of Vermilion, State of Illinois.
2. Said property is operated as a sanitary landfill, operated under Illinois Environmental Protection Agency Operating Permit No. 1994-419-LFM, and designated with Illinois Environmental Protection Agency Site Code No. 1838040029.
3. On March 17, 2003, Douglas Toole and LeeAnn Chezem of the Vermilion County Health Department inspected the above-described property. Douglas Toole and LeeAnn Chezem's Affidavit and a copy of their inspection report are attached hereto and made a part hereof by reference.

**VIOLATIONS**

On the basis of the direct observation of Douglas Toole and LeeAnn Chezem, the County of Vermilion has determined that on March 17, 2003, Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to 415 ILCS 5/21(d) of the Act, 415 ILCS 5/21(d), in a manner which resulted in the following conditions:

- A. uncovered refuse from a previous operating day was present at the site at the time of the above-mentioned observations and inspection, in violation of section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12), which provides no

person shall conduct a sanitary landfill operation in a manner which results in uncovered refuse remaining from any previous operating day;

- B. the gas collection system at the site was not designed and operated in a way that ensured the methane concentration standards were not exceeded, in violation of 35 Illinois Administrative Code 811.311(d)(2), which provides the operator shall design and operate the [gas collection] system so that the standards of subsections (a)(1), (a)(2), and (a)(3), which pertain to methane concentration, will not be exceeded.

### **CIVIL PENALTY**

Pursuant to section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the above-mentioned violations. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein, and if there is a finding of the violation alleged herein after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each violation.

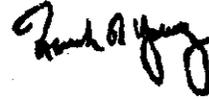
### **PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION**

You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board, at the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, 7 North Vermilion Street, Danville, Illinois 61832.

If you acknowledge the violation cited herein, the civil penalty specified above shall be due and payable no later than June 16, 2003. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof and have not paid the civil penalty by the due date stated above, or if you elect to contest this Administrative Citation, any judgment rendered shall specify the due date of the statutory civil penalty and any costs assessed against you. (Get date)

When payment is made, your check should be made payable to the County of Vermilion, Illinois, and mailed to the Vermilion County Health Department, 200 South College Street, Danville, Illinois 61832, together with a completed copy of the Remittance Form attached hereto.

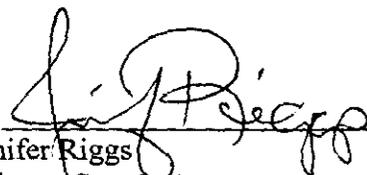
If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation.



Dated: 5/15/03

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Frank R. Young  
State's Attorney for Vermilion County

By:   
Jennifer Riggs  
Assistant State's Attorney

Prepared by:  
Jennifer Riggs  
Office of the State's Attorney  
7 N. Vermilion St.  
Danville, IL 61832  
217-431-2570

**REMITTANCE FORM**

IN THE MATTER OF )  
BRICKYARD DISPOSAL AND ) AC No. 03-31  
RECYCLING, INC., ) County File No. 03-01  
)  
Respondent )

Facility/Property: Brickyard Disposal and Recycling, Inc.

County: Vermilion

Date of Inspection: Marcy 17, 2003

Site Code No.: 1838040029

Civil Penalty: \$500.00 for each violation = \$1000.00

Date Remitted: \_\_\_\_\_

SSN/FEIN No.: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE**

Please enter the date of your remittance, your Social Security Number (SSN) if an individual, or Federal Employer Identification Number (FEIN) if a business, and sign this Remittance Form. Your check should be made out to the County of Vermilion, Illinois. Be sure your check is enclosed with this Remittance Form and mail to: Vermilion County Health Department, 200 S. College Street, Danville, Illinois 61832.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AFFIDAVIT

IN THE MATTER OF )  
BRICKYARD DISPOSAL AND ) AC No. \_\_\_\_\_  
RECYCLING, INC., ) County File No. 03-01  
Respondent. )

The Affiants, Douglas Toole and LeeAnn Chezem, being first duly sworn, voluntarily deposes and states as follows:

1. Affiants are field inspectors employed by the Vermilion County Health Department and have been so employed at all times pertinent hereto.
2. On March 17, 2003, between 6:00 and 7:15 a.m., Affiants conducted an inspection of a sanitary landfill within the County of Vermilion, State of Illinois, known as Brickyard Disposal and Recycling, Inc., operating under IEPA Permit No. 1994-419-LFM.
3. Affiants inspected the Brickyard Disposal and Recycling, Inc. site by an on-site inspection, which included walking on the site.
4. Prior to said inspection, Affiants had reviewed Illinois Environmental Protection Agency permits issued to the subject site.
5. As a result of the activities referred to in paragraphs 2, 3 and 4 above, Affiants completed the Solid Waste Landfill Inspection Checklist, with the accompanying Inspection Report Narrative, Site Sketch and photographs, attached hereto and made a part hereof, which, to the best of Affiants' knowledge and belief, is an accurate representation of Affiants' observations and factual conclusions with respect to Brickyard Disposal and Recycling, Inc. on March 17, 2003.

*Douglas Toole*

Douglas Toole

*LeeAnn Chezem*

LeeAnn Chezem

SIGNED and SWORN to before me this <sup>th</sup> 12 day of May, 2003, by Douglas Toole and LeeAnn Chezem.

*Barb Carter*  
NOTARY PUBLIC



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

County: VERMILION LPC#: 1838040029 Region: 4  
 Location/Site Name: DANVILLE / BRICKYARD DISPOSAL + RECYCLING, INC.  
 Date: 3/17/03 Time: From 6:00 A.M. To 7:15 A.M. Previous Inspection Date: 11/13/02  
 Inspector(s): DOUGLAS TOOLE + LEEANN CHEZEM Weather: HAZY, DRY, 50°F  
 No. of Photos Taken: # 07 Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: DANNY DUNCAN, MICHELLE ROBERTS Facility Phone No.: (217) 443-3128

Permitted Owner Mailing Address

BRICKYARD DISPOSAL + RECYCLING, INC.  
P.O. Box 985  
DANVILLE, IL 61834-0985

Permitted Operator Mailing Address

BRICKYARD DISPOSAL + RECYCLING, INC.  
P.O. Box 985  
DANVILLE, IL 61834-0985

Chief Operator Mailing Address

KEN SAMET  
P.O. Box 985  
DANVILLE, IL 61834-0985

Certified Operator Mailing Address

KEN SAMET  
P.O. Box 985  
DANVILLE, IL 61834-0985

AUTHORIZATION:

Significant Modification Permit  
 Initial: 1994-419-LFM  
 Latest MODIFICATION #37

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
<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 checked="" 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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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 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	
	(a)	Failure to Monitor Gas, Water, Settling	<input type="checkbox"/> NE
	(b)	Failure to Take Remedial Action	<input type="checkbox"/> NE
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"/>
<b>SOLID WASTE SITE OPERATOR CERTIFICATION LAW REQUIREMENTS</b>			
20.	225 ILCS 230/1004	CAUSING OF ALLOWING OPERATION OF A LANDFILL WITHOUT PROPER COMPETENCY CERTIFICATE	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
<b>PRIOR CONDUCT CERTIFICATION REQUIREMENTS</b>			
21.	745.181	CHIEF OPERATOR REQUIREMENTS	<input type="checkbox"/>
22.	745.201	PRIOR CONDUCT CERTIFICATION PROHIBITIONS	<input type="checkbox"/>
<b>SPECIAL WASTE HAULING REQUIREMENTS</b>			
23.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>

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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</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"/> NE
28.	811.105	<b>COMPACTION</b>	<input type="checkbox"/> NE
29.	811.106	<b>DAILY COVER</b>	
	(a)	Six Inches Soil	<input type="checkbox"/>
	(b)	Alternative Daily Cover	<input 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)	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	<b>SALVAGING</b>	
	(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	<b>BOUNDARY CONTROL</b>	
	(a)	Access Restricted	<input type="checkbox"/>
	(b)	Proper Sign Posted	<input type="checkbox"/>

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33.	811.110	<b>CLOSURE AND WRITTEN CLOSURE PLAN</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"/> NE
34.	811.111	<b>POST-CLOSURE MAINTENANCE</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"/> NE
	(g)	Standards for Leachate Monitoring Systems	<input type="checkbox"/>
38.	811.310	<b>LANDFILL GAS MONITORING (FOR SITES ACCEPTING PUTRESCIBLE WASTE)</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>	
	(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 checked="" type="checkbox"/>

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40.	811.312	<b>LANDFILL GAS PROCESS AND DISPOSAL SYSTEM</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 Than	<input type="checkbox"/>
	(g)	Gas Transported Off-Site	<input type="checkbox"/> NE
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"/> NE
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	<b>PROCEDURES FOR EXCLUDING REGULATED HAZARDOUS WASTES</b>	<input type="checkbox"/>

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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 WHERE INCOMING WASTE IS WEIGHED (LIST SPECIFIC SECTION NO.	<input type="checkbox"/> NE
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"/> NE
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.			<input type="checkbox"/>
			<input type="checkbox"/>

*Douglas Toole*

Signature of Inspector(s)

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.





PUBLIC HEALTH IS PRICELESS

# VERMILION COUNTY HEALTH DEPARTMENT

STEPHEN LAKER, M.S.  
PUBLIC HEALTH ADMINISTRATOR

HEALTH AND EDUCATION BUILDING  
200 SOUTH COLLEGE, SUITE A  
DANVILLE, IL 61832  
PHONE/TDD 217 431-2662  
FAX 217 431-7483

LPC #1838040029  
Danville/Brickyard Disposal & Recycling, Inc.  
FOS File  
3/17/03

## INSPECTION REPORT NARRATIVE

This permitted landfill was inspected between 6:00 a.m. and 7:15 a.m. on March 17, 2003 by Doug Toole and LeeAnn Chezem of the Vermilion County Health Department. The weather was hazy, dry and about 50 degrees Fahrenheit.

We arrived at the site at about 6:00 a.m. and found the front gate already open, employees working, and garbage trucks lined up to the weigh station. We went to the weigh station and spoke with Michelle Roberts. Soon after, we met up with Dan Duncan, one of the facility's Certified Landfill Operators, who accompanied us throughout the inspection.

We first went to Unit 2, Cell 4C, the active fill area. Equipment operators had already removed the tarp that had covered the previous day's waste (photo 2) and were compacting the active fill area (photo 1).

There was a noticeable amount of uncovered waste on the ground in Unit 2, Cells 4B and 4C. Although some of the waste was located next to the active fill area (photo 1), there was also waste visible north of the active area (photos 3, 4). Demolition debris was also visible on the side of the access road leading down into Cell 4C (photo 2).

Next, we went to the leachate storage tank (photo 5). Mr. Duncan said the old tank had buckled a few weeks ago when the liquid in the tank froze. The landfill-gas-to-energy facility was also in operation (photo 6).

Then, we traveled to the north part of the facility, where Mr. Duncan said work had begun to develop Unit 2, Cell 5A (photo 7). After that, we drove around Unit 1. In general, the final cover and vegetative layer over Unit 1 appeared to be in good condition.



Danville/Brickyard Disposal & Recycling narrative

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We then returned to the weigh station, where we reviewed some facility records and files. Among those records were the special waste manifests for wastewater treatment filter cakes from Vesuvius USA in Fisher and compacted cellulose waste from Devro-Teepak in Danville. Ms. Roberts said the landfill had received between 110 and 926 tons of waste through the gate each day in the preceding week.

We left the facility at about 7:15 a.m.

In addition, there is an area of concern regarding the results of the facility's landfill gas monitoring.

Recent monthly gas monitoring at the facility has detected exceedances of the methane standards in gas probes GP-8, GP-10 and GP-11. Patrick Engineering recommended in its January 2003 Landfill Gas Analysis Summary Report that adjustments be made to the system gas valves in order to increase the gas removal at the site until acceptable levels of gas concentrations are found in the probes.

Those three probes detected methane concentrations above 50 percent of the lower explosive limit in late 2002, as well as the first three months of 2003.

The following violations are alleged pursuant to this inspection.

1. Illinois Environmental Protection Act Section 21 (d)(1) -- No person shall ... conduct any waste-storage, waste-treatment, or waste-disposal operation ... in violation of any conditions imposed by (an IEPA) permit. Uncovered refuse from a previous operating day was observed in Cell 4C, in violation of the permit. Temporary mitigation venting or gas collection measures to ensure the protection of human health were not successfully implemented, in violation of the permit.
2. Illinois Environmental Protection Act Section 21 (d)(2) -- No person shall ... conduct any waste-storage, waste-treatment, or waste-disposal operation ... in violation of any regulations or standards adopted by the (Illinois Pollution Control) Board under this Act. Uncovered refuse from a previous operating day was observed in Cell 4C, in violation of Illinois Pollution Control Board regulations. The operator did not design and operate a gas collection system in a way that ensured the methane concentration standards were not exceeded, in violation of Illinois Pollution Control Board regulations.

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3. Section 21(e) of the Act: No person shall ... dispose, treat, store or abandon any waste ... except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder. The storage and disposal of waste was occurring at a site which did not meet the requirements of the Illinois Environmental Protection Act and the Illinois Pollution Control Board Regulations.
4. Illinois Environmental Protection Act Section 21 (o)(12) -- No person shall ... conduct a sanitary landfill operation ... in a manner which results in ... uncovered refuse remaining from any previous operating day. Uncovered refuse from a previous operating day was observed in Cell 4C.
5. 35 Illinois Administrative Code Section 811.311(d)(2) – The operator shall design and operate the [gas collection] system so that the standards of subsections (a)(1), (a)(2) and (a)(3) will not be exceeded. The operator did not design and operate a gas collection system in a way that ensured the methane concentration standards were not exceeded.

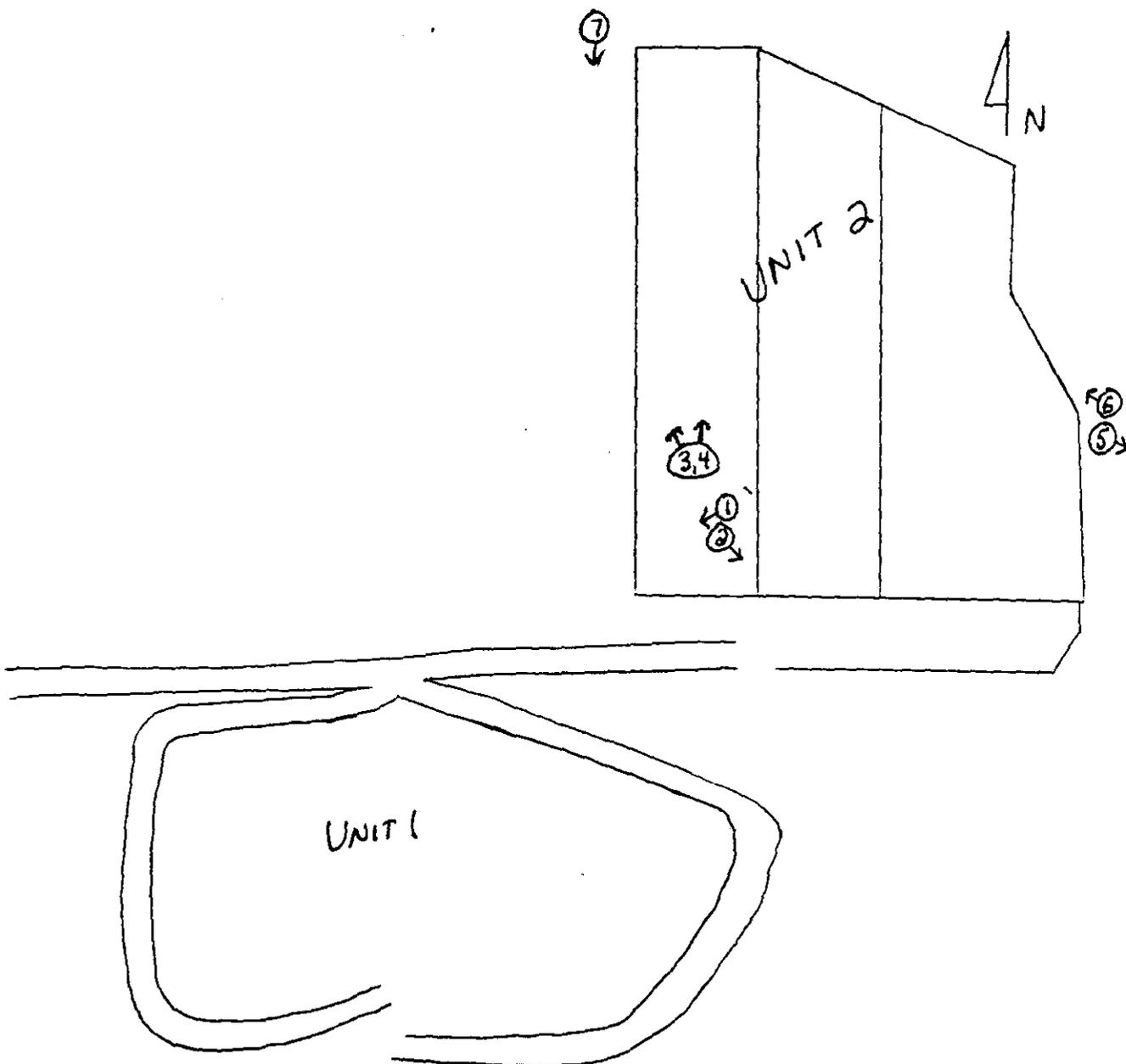
STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: MARCH 17, 2003 Inspector: DOUGLAS TOOLE + LEEANN CHEZEM

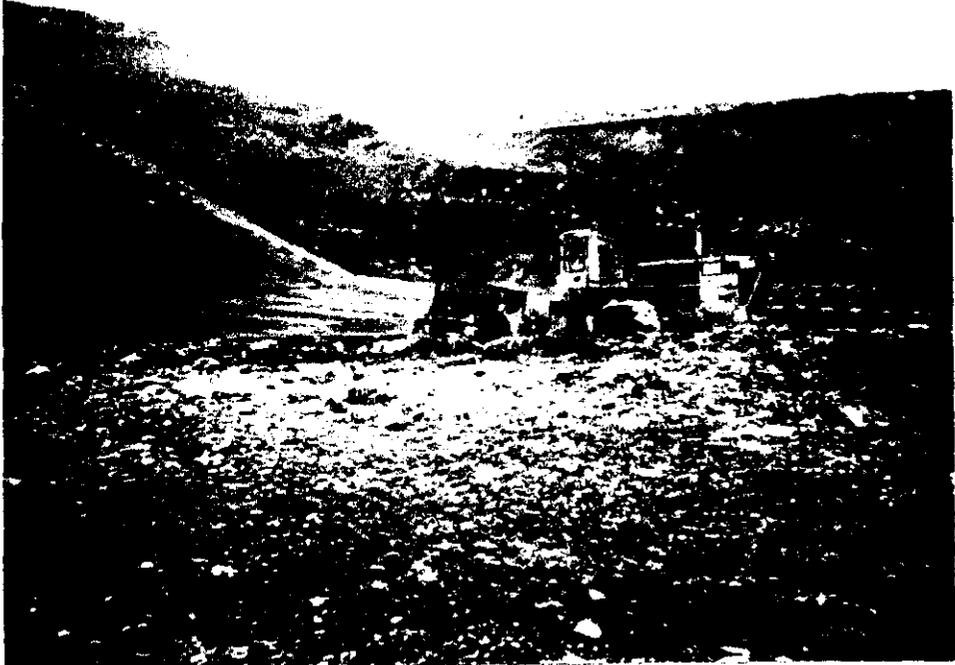
Site Code: 1 8 3 8 0 4 0 0 2 9 County: VERMILION

Site Name: BACKYARD DISPOSAL + RECYCLING LANDFILL / DANVILLE Time: 6:00 A.M. - 7:15 A.M.





# INSPECTION PHOTOS

DATE: <u>3</u> / <u>17</u> / <u>03</u>	SITE #: <u>1838040029</u> CO.: <u>VERMILION</u>
TIME: <u>6:15 A.M.</u>	SITE NAME: <u>DANVILLE / BRICKYARD DISPOSAL + RECYCLING, INC.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>	
COMMENTS: Pictures taken toward: <u>SW</u>	
<u>ACTIVE FILL AREA</u>	
ROLL #:      PHOTO #:	

DATE: <u>3</u> / <u>17</u> / <u>03</u>
TIME: <u>6:18 A.M.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>
COMMENTS: Pictures taken toward: <u>SE</u>
<u>ROAD TO ACTIVE FILL AREA</u>
ROLL #:      PHOTO #: <u>2</u>





# INSPECTION PHOTOS

DATE: <u>3 / 17 / 03</u>	SITE = <u>1 8 3 8 0 4 0 0 2 9</u> CO.: <u>VERMILION</u>
TIME: <u>6:20 AM</u>	SITE NAME: <u>DANVILLE / BRICKYARD DISPOSAL + RECYCLING, INC.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>	
COMMENTS: Pictures taken toward: <u>NW</u>	
<u>NORTH of ACTIVE Fill AREA;</u>	
<u>1ST of 2 PANORAMIC SHOTS</u>	
ROLL #:      PHOTO #: <u>3</u>	

DATE: <u>3 / 17 / 03</u>
TIME: <u>6:20 A.M.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>
COMMENTS: Pictures taken toward: <u>N</u>
<u>NORTH of ACTIVE Fill AREA;</u>
<u>2ND of 2 PANORAMIC SHOTS</u>
ROLL #:      PHOTO #: <u>4</u>





# INSPECTION PHOTOS

DATE: <u>3 / 17 / 03</u>	SITE = <u>1 8 3 8 0 4 0 0 2 9</u> CO.: VERMILION
TIME: <u>6:25 A.M.</u>	SITE NAME: <u>DANVILLE / BRICKYARD DISPOSAL + RECYCLING, INC.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>	
COMMENTS: Pictures taken toward: <u>SE</u>	
<u>LEAKWATE STORAGE TANK</u>	
ROLL =            PHOTO = <u>5</u>	

DATE: <u>3 / 17 / 03</u>
TIME: <u>6:26 A.M.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>
COMMENTS: Pictures taken toward: <u>NW</u>
<u>GAS-TO-ENERGY FACILITY</u>
ROLL #:            PHOTO #: <u>6</u>





# INSPECTION PHOTOS

DATE: <u>3</u> / <u>17</u> / <u>03</u>	SITE #: <u>1838040029</u> CO.: <u>VERMILION</u>
TIME: <u>6:35 AM</u>	SITE NAME: <u>DANVILLE / BRICKYARD DISPOSAL + RECYCLING, INC.</u>
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>	
COMMENTS: Pictures taken toward: <u>S</u>	
<u>CELL UNDER DEVELOPMENT</u>	
ROLL #:            PHOTO #: <u>7</u>	

DATE: <u>3</u> / <u>17</u> / <u>03</u>
TIME:
PHOTOGRAPH TAKEN BY: <u>LEEANN CHEZEM</u>
COMMENTS: Pictures taken toward:
ROLL #:            PHOTO #:

NO  
PHOTO

**RECEIVED**  
CLERK'S OFFICE

MAY 22 2003

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

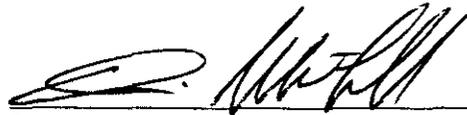
IN THE MATTER OF )  
BRICKYARD DISPOSAL AND )  
RECYCLING, INC., )  
Respondent. )

AC No. 03-31  
County File No. 03-01

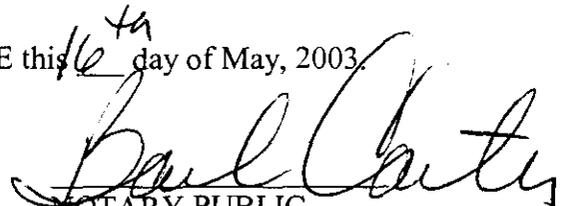
AFFIDAVIT OF SERVICE ON CORPORATION

State of Illinois )  
 ) ss  
County of Vermilion )

I, the undersigned, on oath state that I have served the attached Administrative Citation on the Respondent, Brickyard Disposal and Recycling, Inc., by leaving a copy of the same with (name): Mike Nelson, (title) General Manager of the Respondent, at (address): 501 Brickyard Rd. at (time): 10:00 AM, on (date): 5/16, 2003.

  
Investigator  
Vermilion County State's Attorney Office

SUBSCRIBED AND SWORN TO BEFORE ME this 16<sup>th</sup> day of May, 2003.

  
NOTARY PUBLIC

THIS FILING IS SUBMITTED ON RECYCLED PAPER

**"OFFICIAL SEAL"**  
BARB CARTER  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 3/7/2003