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STATE OF ILLINOIS
Pollution Control Board

AC 04-50

INFORMATIONAL NOTICE ! ! !

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Complainant,	)	AC 04-50
v.	)	(IEPA No. 82-04-AC)
AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC. and DAVID BRYANT,	)	
Respondents.	)	

NOTICE OF FILING

To: American Disposal Services of Illinois, Inc.
Attn: Kevin Finn, Regional Vice President
13701 South Kostner Avenue
Crestwood, Illinois 60445

David Bryant, Certified Operator
Livingston Landfill
P.O. Box 646
Pontiac, Illinois 61764

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: February 24, 2004

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant, v. AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., and DAVID BRYANT, Respondents.	)	AC 04-50 (IEPA No. 82-04-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That Respondent, American Disposal Services of Illinois, Inc., is the permitted owner and operator of a facility located on the north and south side of Rowe Road at Route 23, Pontiac, Livingston County, Illinois.

2. That Respondent, David Bryant, is the Certified Operator of the above-referenced facility.

3. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1995-337-LF, and is designated with Site Code No. 1058210002. The facility is commonly known to the Illinois Environmental Protection Agency as Pontiac/Livingston Landfill.

5. That Respondents have owned and/or operated said facility at all times pertinent hereto.

6. That on January 23, 2004, Kenneth Keigley of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-referenced facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Kenneth Keigley during the course of his January 23. 2004 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

(1) That Respondents conducted a sanitary landfill operation in a manner which resulted in the failure to collect and contain litter from the site by the end of the operating day, a violation of Section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2002), Respondents are subject to a civil penalty of Five Hundred Dollars ($500.00) for each of the violations identified above, for a total of Five Hundred Dollars ($500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 1, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois

Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

Renee Cipriano

Renee Cipriano, Director
Illinois Environmental Protection Agency

Date 2-25-04

Prepared by:

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Complainant,	)	AC (IEPA No. 82-04-AC)
v.	)	
AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., and DAVID BRYANT,	)	
Respondents.	)	

FACILITY:	Pontiac/Livingston Landfill	SITE CODE NO.:	1058210002
COUNTY:	Livingston	CIVIL PENALTY:	$500.00
DATE OF INSPECTION:	January 23, 2004		

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
)
)
) IEPA DOCKET NO.
)
)
Respondent)

Affiant, Kenneth Keigley, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On January 23, 2004, between 05:10 A.M. and 07:02 A.M., Affiant conducted an inspection of the sanitary landfill in Livingston County, Illinois, known as Livingston Landfill, Illinois Environmental Protection Agency Site No. 1058210002, operating under the permit numbers 1995-337-LF and 1999-307-LF.

3. Affiant inspected said Livingston Landfill site by an on-site inspection, which included walking the site.

4. Before and/or after said inspection of said Livingston Landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to the Livingston Landfill site.

Kenneth W Keigley

Subscribed and Sworn to before me
this 30th day of January,
2004.

Sharon L Barger
Notary Public

OFFICIAL SEAL
SHARON L BARGER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 09-16-06

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
811 Solid Waste Landfill Inspection Checklist

County: Livingston LPC#: 1058210002 Region: 4 - Champaign

Location/Site Name: Pontiac/Livingston Landfill

Date: 01/23/2004 Time: From 05:10 am To 07:02 am Previous Inspection Date: 11/14/2003

Inspector(s): Kenneth Keigley Weather: partly cloudy - 15 degrees

No. of Photos Taken: # 15 Samples Taken: Yes # No ☒

Interviewed: No one present Facility Phone No.: 815/844-3054

Permitted Owner Mailing Address

American Disposal Services of Illinois, Inc.
Attn: Mr. Kevin Finn, Regional Vice-President
13701 South Kostner Avenue
Crestwood, Illinois 60445

Permitted Operator Mailing Address

American Disposal Services of Illinois, Inc.
Livingston Landfill
P.O. Box 646
Pontiac, Illinois 61764

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Chief Operator Mailing Address

American Disposal Services of Illinois, Inc.
Attn: Mr. Dave Bryant, General Mgr. & Chief Operator
P.O. Box 646
Pontiac, Illinois 61764

Certified Operator Mailing Address

American Disposal Services of Illinois, Inc.
Attn: Mr. Dave Bryant, General Mgr. & Chief Operator
P.O. Box 646
Pontiac, Illinois 61764

AUTHORIZATION:
Significant Modification Permit
Initial: 1995-337LF
Latest Log number 2002-349

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	☐NE
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	☐NE
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	☐NE
4.	12(d)	CREATE A WATER POLLUTION HAZARD	☐NE
5.	12(f)	CAUSE, THREATEN OR ALLOW DISCHARGE WITHOUT OR IN VIOLATION OF AN NPDES PERMIT	☐NE
6.	21(a)	CAUSE OR ALLOW OPEN DUMPING	☐NE
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)	☒
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	☒
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	☒
9.	21(f)(1)	CONDUCT ANY HAZARDOUS WASTE-STORAGE, TREATMENT OR DISPOSAL OPERATION WITHOUT A RCRA PERMIT.	☐NE

LPC #: 1058210002
Inspection Date: 01/23/04

10.	21(o)	CONDUCT A SANITARY LANDFILL OPERATION WHICH RESULTS IN ANY OF THE FOLLOWING CONDITIONS:	
	(1)	Refuse in Standing or Flowing Water	☐ NE
	(2)	Leachate Flows Entering Waters of the State	☐ NE
	(3)	Leachate Flows Exiting the Landfill Confines	☐ NE
	(4)	Open Burning of Refuse in Violation of Section 9 of the Act	☐ NE
	(5)	Uncovered Refuse Remaining From Any Previous Operating Day or at the Conclusion of Any Operating Day	☐ NE
	(6)	Failure to Provide Final Cover Within Time Limits	☐ NE
	(7)	Acceptance of Wastes Without Necessary Permits	☐ NE
	(8)	Scavenging as Defined by Board Regulations	☐ NE
	(9)	Deposition of Refuse in Any Unpermitted Portion of the Landfill	☐ NE
	(10)	Acceptance of Special Waste Without a Required Manifest	☐ NE
	(11)	Failure to Submit Reports Required by Permits or Board Regulations	☐ NE
	(12)	Failure to Collect and Contain Litter by the End of each Operating Day	☒
	(13)	Failure to Submit Any Cost Estimate, Performance Bond or Other Security	☐ NE
11.	21(t)	CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) UNIT WITHOUT A PERMIT MODIFICATION	☐ NE
12.	21.6(b)	ACCEPTANCE OF LIQUID USED OIL FOR FINAL DISPOSAL (EFFECTIVE JULY 1, 1996)	☐ NE
13.	22.01	FAILURE TO SUBMIT ANNUAL NONHAZARDOUS SPECIAL WASTE	☐ NE
14.	22.17	LANDFILL POST-CLOSURE CARE	
	(a)	Failure to Monitor Gas, Water, Settling	☐ NE
	(b)	Failure to Take Remedial Action	☐ NE
15.	22.22(c)	ACCEPTANCE OF LANDSCAPE WASTE FOR FINAL DISPOSAL	☐ NE
16.	22.23(f)(2)	CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY	☐ NE
17.	22.28(b)	ACCEPTANCE OF WHITE GOODS FOR FINAL DISPOSAL	☐ NE
18.	55(b)(1)	ACCEPTANCE OF ANY USED OR WASTE TIRE FOR FINAL DISPOSAL (UNLESS LANDFILL MEETS EXEMPTION OF 55(b)(1))	☐ NE
19.	56.1(a)	CAUSE OR ALLOW THE DISPOSAL OF ANY POTENTIALLY INFECTIOUS MEDICAL WASTE	☐ NE
		SOLID WASTE SITE OPERATOR CERTIFICATION LAW REQUIREMENTS	
20.	225 ILCS 230/1004	CAUSING OF ALLOWING OPERATION OF A LANDFILL WITHOUT PROPER COMPETENCY CERTIFICATE	☐ NE
		35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G	
		PRIOR CONDUCT CERTIFICATION REQUIREMENTS	
	745.181	CHIEF OPERATOR REQUIREMENTS	☐ NE
	745.201	PRIOR CONDUCT CERTIFICATION PROHIBITIONS	☐ NE
		SPECIAL WASTE HAULING REQUIREMENTS	
23.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	☐ NE

LPC #: 1058210002
Inspection Date: 01/23/04

24.	809.302(a)	REQUIREMENTS FOR ACCEPTANCE OF SPECIAL WASTE FROM HAULERS	☐ NE
25.	809.501	MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS	
	(a)	Delivery of Special Waste to Hauler	☐ NE
	(e)	Retention of Special Waste Manifests	☐ NE
		NEW SOLID WASTE LANDFILL REQUIREMENTS	
	PART 811 SUBPART	GENERAL STANDARDS FOR ALL LANDFILLS	
26.	811.103	SURFACE WATER DRAINAGE	
	(a)	Runoff from Disturbed Areas	☐ NE
	(b)	Diversion of Runoff from Undisturbed Areas	☐ NE
27.	811.104	SURVEY CONTROL	
	(a)	Boundaries Surveyed and Marked	☐ NE
	(b)	Stakes and Monuments Marked	☐ NE
	(c)	Stakes and Monuments Inspected	☐ NE
	(d)	Control Monument Established and Maintained	☐ NE
28.	811.105	COMPACTION	☐ NE
29.	811.106	DAILY COVER	
	(a)	Six Inches Soil	☐ NE
	(b)	Alternative Daily Cover	☐ NE
30.	811.107	OPERATING STANDARDS	
	(a)	Phasing of Operations	☐ NE
	(b)	Work Face Size and Slope	☐ NE
	(c)	Equipment	☐ NE
	(d)	Utilities	☐ NE
	(e)	Maintenance	☐ NE
	(f)	Open Burning	☐ NE
	(g)	Dust Control	☐ NE
	(h)	Noise Control	☐ NE
	(i)	Vector Control	☐ NE
	(j)	Fire Protection	☐ NE
	(k)	Litter Control	☒
	(l)	Mud Tracking	☐ NE
	(m)	Liquid Restrictions for MSWLF Units	☐ NE
31.	811.108	SALVAGING	
	(a)	Salvaging Interferes with Operation	☐ NE
	(b)	Safe and Sanitary Manner	☐ NE
	(c)	Management of Salvagable Materials	☐ NE
32.	811.109	BOUNDARY CONTROL	
	(a)	Access Restricted	☐ NE
	(b)	Proper Sign Posted	☐ NE

LPC #: 1058210002
Inspection Date: 01/23/04

33.	811.110	CLOSURE AND WRITTEN CLOSURE PLAN	
	(a)	Final Slopes and Contours	☐ NE
	(b)	Drainage Ways and Swales	☐ NE
	(c)	Final Configuration	☐ NE
	(d)	Written Closure Plan	☐ NE
	(e)	Initiation of Closure Activities at MSWLF Units	☐ NE
	(f)	Completion of Closure Activities at MSWLF Units	☐ NE
	(g)	Deed Notation for MSWLF Units	☐ NE
34.	811.111	POST-CLOSURE MAINTENANCE	
	(a)	Procedures After Receipt of Final Volume of Waste	☐ NE
	(b)	Remove All Equipment of Structures	☐ NE
	(c)	Maintenance and Inspection of the Final Cover and Vegetation	☐ NE
	(d)	Planned Uses of Property at MSWLF Units	☐ NE
35.	811.112	RECORDKEEPING REQUIREMENTS FOR MSWLF UNITS	
	(a)	Location Restriction Demonstration	☐ NE
	(b)	Load Checking Requirements	☐ NE
	(c)	Gas Monitoring Records	☐ NE
	(d)	MSWLF Liquid Restriction Records	☐ NE
	(e)	Groundwater Monitoring Program Requirements	☐ NE
	(f)	Closure and Post Closure Care Requirements	☐ NE
	(g)	Cost Estimates and Financial Assurance Requirements	☐ NE
	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)	☐ NE
37.	811.309	LEACHATE TREATMENT AND DISPOSAL SYSTEM	
	(a)	General Requirements	☐ NE
	(c)	Standards for On-Site Treatment and Pretreatment	☐ NE
	(d)	Standards for Leachate Storage System	☐ NE
	(e)	Standards for Discharge to Off-Site Treatment	☐ NE
	(f)	Standards for Leachate Recycling Systems	☐ NE
	(g)	Standards for Leachate Monitoring Systems	☐ NE
38.	811.310	LANDFILL GAS MONITORING (FOR SITES ACCEPTING PUTRESCIBLE WASTE)	
	(b)	Location and Design of Gas Monitoring Wells	☐ NE
	(c)	Monitoring Frequency for Landfill Gas	☐ NE
	(d)	Monitoring Parameters	☐ NE
39.	811.311	LANDFILL GAS MANAGEMENT SYSTEM (FOR CHEMICAL AND PUTRESCIBLE LANDFILLS)	
	(a)	Conditions for Installation of Gas Management System	☐ NE
	(b)	Notification and Implementation Requirements	☐ NE
	(c)	Standards for Gas Venting	☐ NE
	(d)	Standards for Gas Collection	☐ NE

40.	811.312	LANDFILL GAS PROCESS AND DISPOSAL SYSTEM	
	(c)	No Unpermitted Gas Discharge	☐ NE
	(d)	Gas Flow Rate Measurements into Treatment of Combustion Device	☐ NE
	(e)	Standards for Gas Flares	☐ NE
	(f)	Standards for On-Site Combustion of Landfill Gas Using Devices Other Than	☐ NE
	(g)	Gas Transported Off-Site	☐ NE
41.	811.313	INTERMEDIATE COVER	
	(a)	Requirements for the Application for Intermediate Cover	☐ NE
	(b)	Runoff and Infiltration Control	☐ NE
	(c)	Maintenance of Intermediate Cover	☐ NE
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	☐ NE
	(b)	Standards for Low Permeability Layer	☐ NE
	(c)	Standards for Final Protective Layer	☐ NE
43.	811.316	PLUGGING AND SEALING OF DRILL HOLES	☐ NE
44.	811.321	WASTE PLACEMENT	
	(a)	Phasing of Operations	☐ NE
	(b)	Initial Waste Placement	☐ NE
45.	811.322	FINAL SLOPE AND STABILIZATION	
	(a)	Grade Capable of Supporting Vegetation and Minimizing Erosion	☐ NE
	(b)	Slopes Required to Drain	☐ NE
	(c)	Vegetation	☐ NE
	(d)	Structures Built over the Unit	☐ NE
46.	811.323	LOAD CHECKING PROGRAM	
	(a)	Load Checking Program Implemented	☐ NE
	(b)	Load Checking Program for PCB's at MSWLF Units	☐ NE
	(c)	Load Checking Program Components	☐ NE
	(d)	Handling Regulated Hazardous Wastes	☐ NE
	PART 811 SUBPART D	MANAGEMENT OF SPECIAL WASTES AT LANDFILLS	
47.	811.402	NOTICE TO GENERATORS AND TRANSPORTERS	☐ NE
48.	811.403	SPECIAL WASTE MANIFESTS REQUIREMENTS	☐ NE
49.	811.404	IDENTIFICATION RECORD	
	(a)	Special Waste Profile Identification Sheet	☐ NE
	(b)	Special Waste Recertification	☐ NE
50.	811.405	RECORDKEEPING REQUIREMENTS	☐ NE
51.	811.406	PROCEDURES FOR EXCLUDING REGULATED HAZARDOUS WASTES	☐ NE

LPC #: 1058210002
Inspection Date: 01/23/04

	PART 811 SUBPART G	FINANCIAL ASSURANCE	
52.	811.700	COMPLY WITH FINANCIAL ASSURANCE REQUIREMENTS OF PART 811, SUBPART G	☐ NE
53.	811.701	UPGRADING FINANCIAL ASSURANCE	☐ NE
54.	811.704	CLOSURE AND POST-CLOSURE CARE COST ESTIMATES	☐ NE
55.	811.705	REVISION OF COST ESTIMATE	☐ NE
		SOLID WASTE FEE SYSTEM REQUIREMENTS	
56.	Part 858 Subpart B	MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES	☐ 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	☐ NE
		OTHER REQUIREMENTS	
58.	OTHER:	APPARENT VIOLATION OF: (☐) PCB; (☐) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	☐
59.	1995-LMF	Condition II(2)(l)	☒
			☐
			☐
			☐
			☐

Kenneth W Keigley
Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (o) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency

Bureau of Land ♦ Field Operations Section ♦ Champaign

1058210002/Livingston
Pontiac/Livingston Landfill
FOS
Inspector: Kenneth Keigley
Inspection Date: January 23, 2004
Complaint Number: C04-086-CH
GIS Data: Latitude-N40.93155°, Longitude-W088.65548° error 16.3 (Garmin GPSMap 76S)

RECEIVED
FEB 04 2004
IEPA-DLC

General Comments:

On January 23, 2004 at 05:10 A.M., I conducted an inspection at the Livingston Landfill, located on the north and south side of Rowe Road at Route 23, in Pontiac, Illinois. This inspection was conducted in response to complaints from local citizens concerning blowing litter at the landfill. The purpose of this inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking around the site and taking pictures, neither the Operations Manager or General Manager was present at the site and the facility office was not yet open. The weather was Partly cloudy, the temperature 15 degrees.

Background:

Livingston Landfill is an operating Putrescible/Chemical Waste Landfill operating under the Illinois Environmental Protection Agency permit number 1995-337-LF for parcels A, B, and C and 1999-307 for Parcel D and regulated by 35 Illinois Administrative Code, Part 811, Standards for New Landfills. The Landfill is owned by American Disposal Services of Illinois, Inc., a subsidiary of Allied Waste, whose Regional Vice President, Kevin Finn, is located at 13701 Kostner Avenue, Crestwood, Illinois 60445. The site General Manager and Certified Operator is David Bryant, P.O. Box 646, Pontiac, Illinois 61764, phone number 815/844-3911. The Registered Agent for American Disposal Services of Illinois, Inc. is CT Corporation Systems, 208 South Lasalle Street, Suite 814, Chicago, Illinois 60604.

Inspection:

This inspection addresses only the litter complaints and litter issues at the landfill. No other issues are addressed in this report.

When I arrived at the landfill I noted that no trucks had yet entered the landfill to unload and the wind was calm. I waited until daylight, parked inside the landfill on the east side of cell D-6 then traveled around the landfill looking for litter from the previous day's operation.

1058210002/Livingston
Pontiac/Livingston Landfill
FOS
Inspector: Kenneth Keigley
Inspection Date: January 23, 2004
Complaint Number: C04-086-CH
GIS Data: Latitude-N40.93155°, Longitude-W088.65548° error 16.3 (Garmin GPSMap 76S)

I noted that dumping operations had commenced and litter was not blowing from the working face of the landfill.

Inside the fenced in portion of the landfill looking from the northeast corner of cell D-6 I looked north and saw litter in the form of plastic and paper scattered on the ground inside the fence (see photos #1 and #2).

In the perimeter ditch along the east side of cell D-6 the banks and bottom of the perimeter ditch were lined with litter in the form of paper and plastic (see photos #3, #4, #8, #9, #10, #11, and #12). I had been present in this area before the landfill opened and was certain that none of the litter had blown there this operating day.

Driving toward the entrance to the landfill along the east side of cell D-6 I noticed litter in the form of plastic and paper scattered on the east side of the access road between the access road and the perimeter fence (see photos #5, #6 and #7).

I then drove around the facility and a short distance down the county roads surrounding the landfill. I saw a small amount of litter along Rowe Road both on the north and south side near the fence (see photos #13, #14, and #15). I did not see a significant amount of litter in the areas along the various county roads surrounding the landfill. I left the site at 07:02 am.

Subsequent to the inspection, during the following week, I discussed the litter problem with Mr. Bryant to let him know I had been to the site and let him know what I had observed. He stated that he was interested in meeting with Agency Employees to discuss the problem and remedy's to address the litter problem.

Apparent violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

Illinois Environmental Protection Agency

Bureau of Land ♦ Field Operations Section ♦ Champaign

1058210002/Livingston
Pontiac/Livingston Landfill
FOS
Inspector: Kenneth Keigley
Inspection Date: January 23, 2004
Complaint Number: C04-086-CH
GIS Data: Latitude-N40.93155°, Longitude-W088.65548° error 16.3 (Garmin GPSMap 76S)

#1 Pursuant to Section 21(d)(1) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of a permit granted by the Agency.

A violation of Section 21(d)(1) is alleged for the following reason: **waste disposal operation was conducted in violation of a permit granted by the Agency.**

#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 regulations adopted by the Illinois Pollution Control Board.

A violation of Section 21(d)(2) is alleged for the following reason: **a waste disposal operation was conducted in violation of regulations adopted by the IPCB.**

#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 alleged for the following reason: **waste was disposed of at this site, which does not meet the requirements of the Act and of regulations and standards thereunder.**

#4 Pursuant to Section 21(o)(12) of the Act, no one shall conduct a sanitary landfill 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 Section 21(o)(12) is alleged for the following reason: **litter from the previous day's operation was observed at various locations along the east side of Cell D-6 of the landfill.**

1058210002/Livingston
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35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: (Pollution Control Board) [Regulations]

#5 Pursuant to Section 811.107(k)(1) of the Regulations, the operator shall patrol the facility daily to check for litter accumulation. All litter shall be collected and placed in the fill or in a secure covered container.

A violation of Section 811.107(k)(1) is alleged for the following reason: **litter from the previous day's operation was not collected and placed into the fill or in secure covered containers.**

Permit Number 1995-337-LFM

#6 pursuant to Condition II(2)(l) of the Permit. Pursuant to 35 IAC, Sections 811.107(a) and 811.107(b), throughout the operating life of this landfill, waste shall not be placed in a manner or rate which results in: failure to collect and contain litter from the previous operating day.

A violation of Condidion II(2)(l) is alleged for the following reason: **litter from the previous operating day was observed during this inspection.**

Illinois Environmental Protection Agency

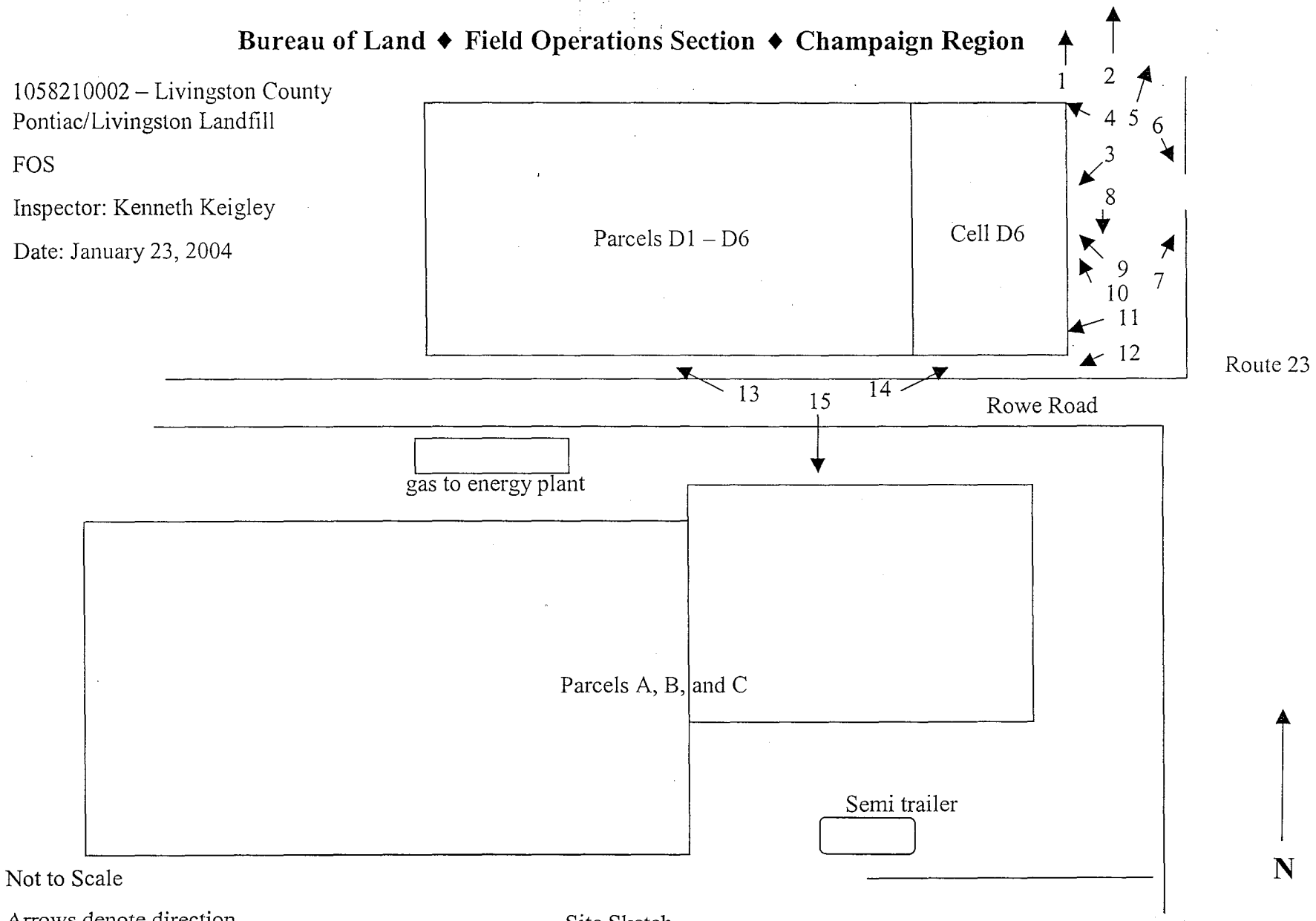
Bureau of Land ♦ Field Operations Section ♦ Champaign Region

1058210002 – Livingston County
Pontiac/Livingston Landfill

FOS

Inspector: Kenneth Keigley

Date: January 23, 2004



Not to Scale

Arrows denote direction
and location of photos

Site Sketch

Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:50 AM
DIRECTION: North
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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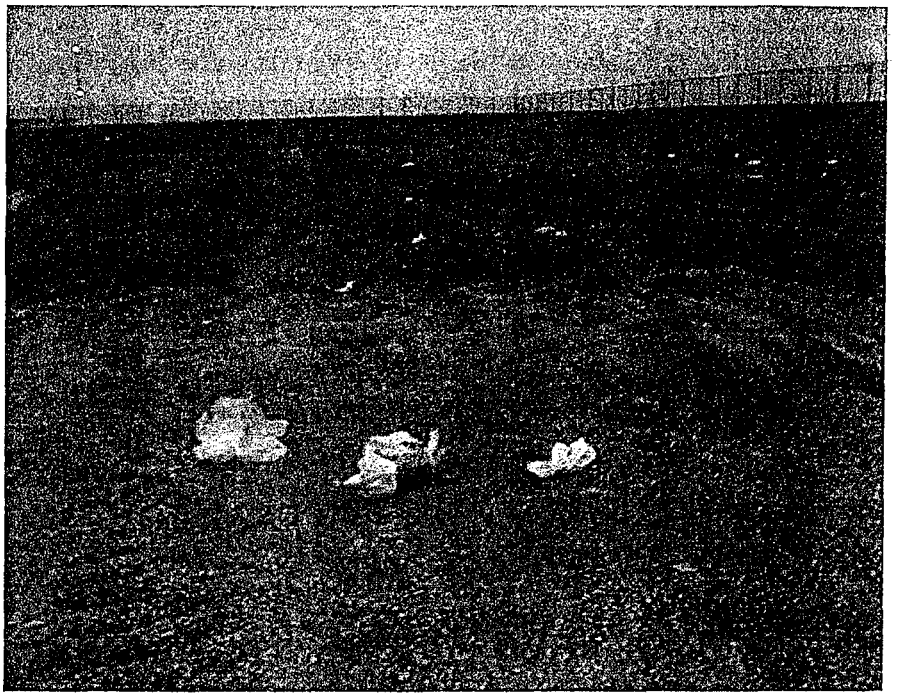

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TIME: 06:51 AM
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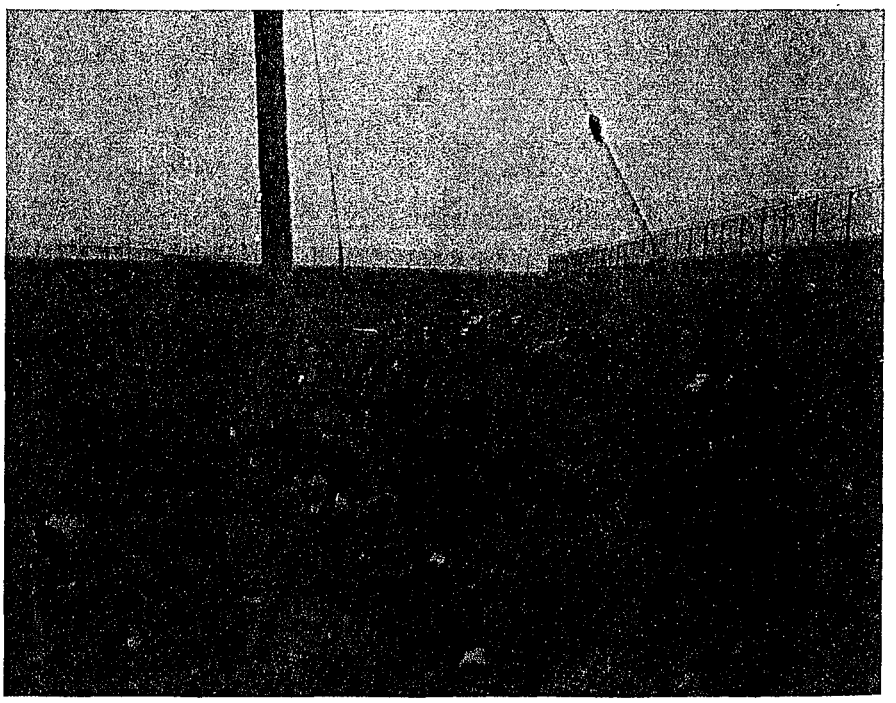

Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:52 AM
DIRECTION: Southwest
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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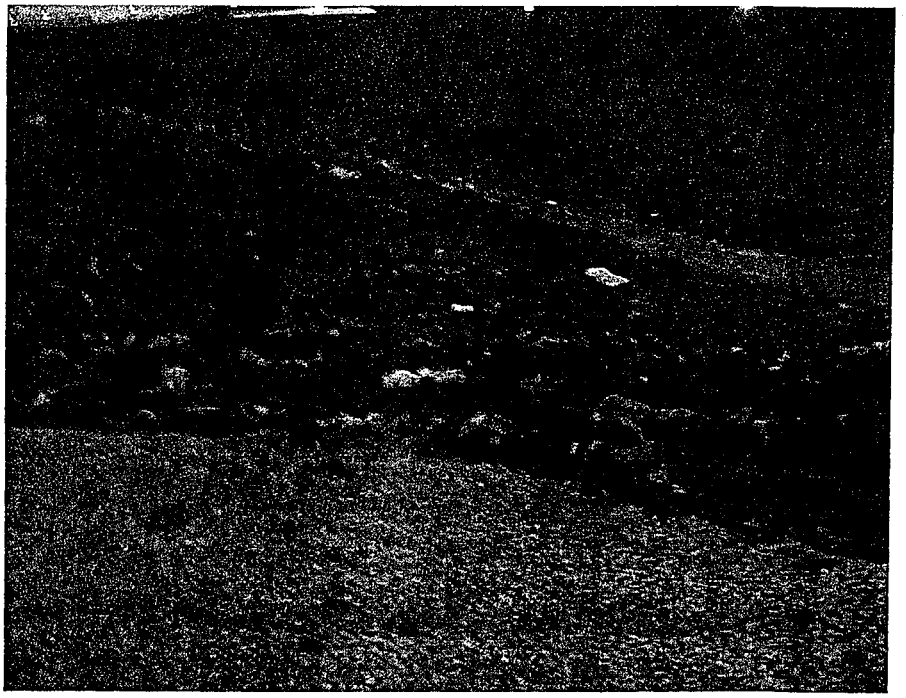
COMMENTS:



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DIRECTION: Northwest
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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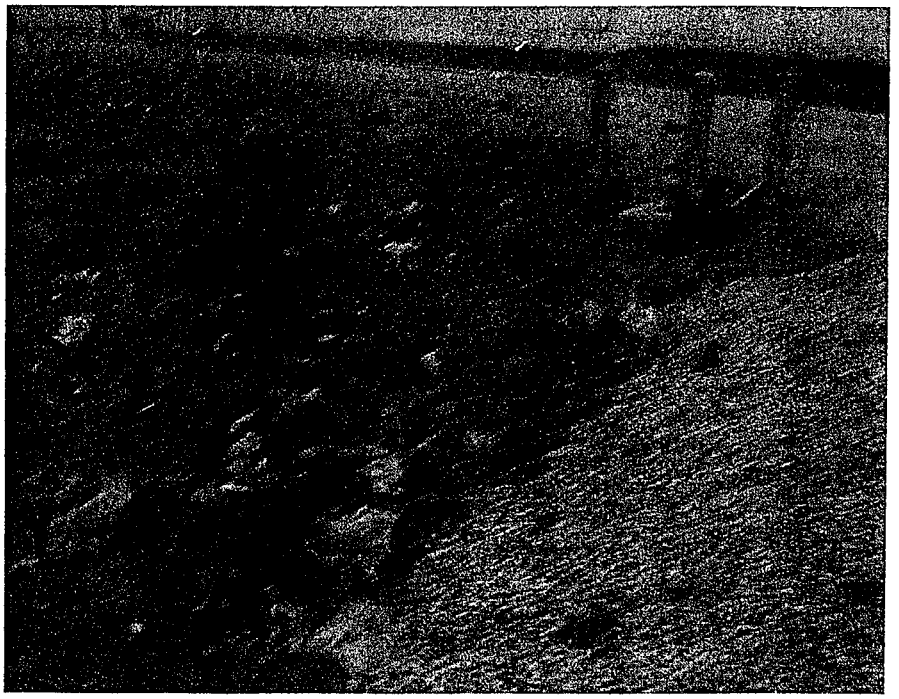

Illinois Environmental Protection Agency
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DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:53 AM
DIRECTION: Southeast
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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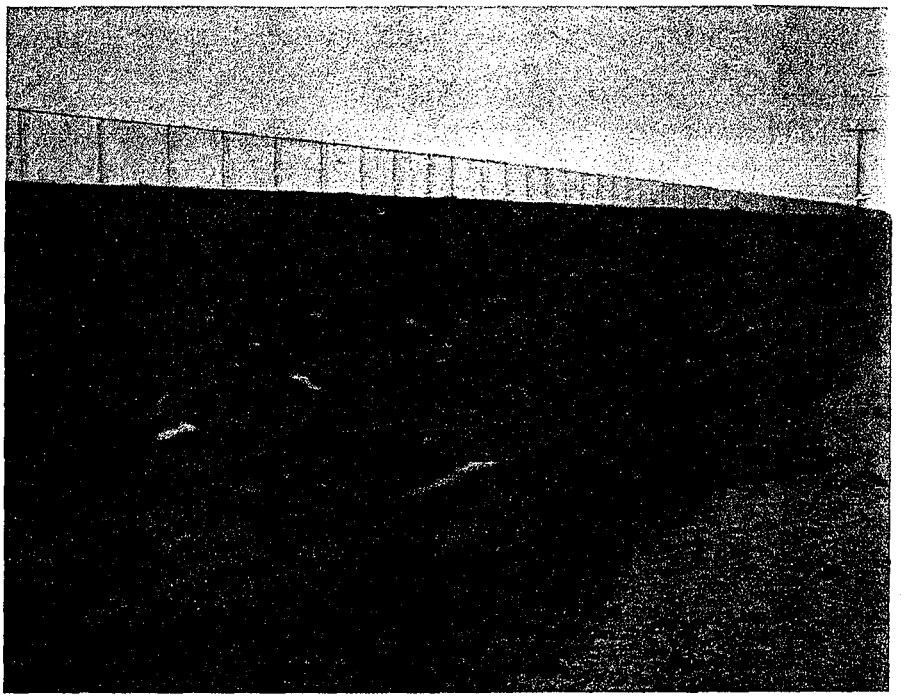
COMMENTS:



DATE: 01-23-2004
TIME: 06:53 AM
DIRECTION: Northeast
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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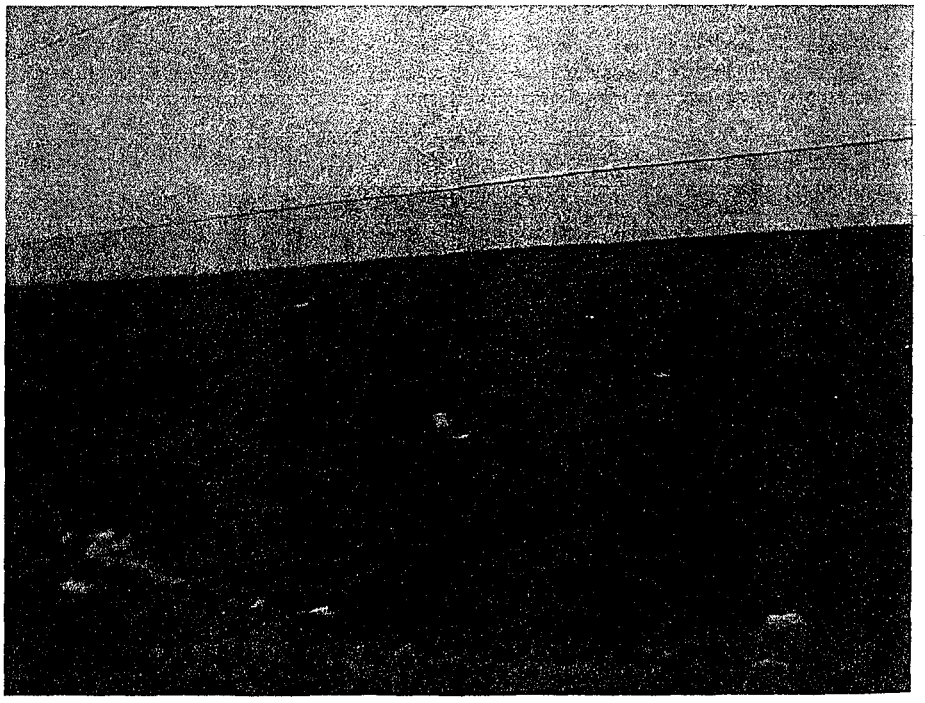
COMMENTS:



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DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:54 AM
DIRECTION: Northeast
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
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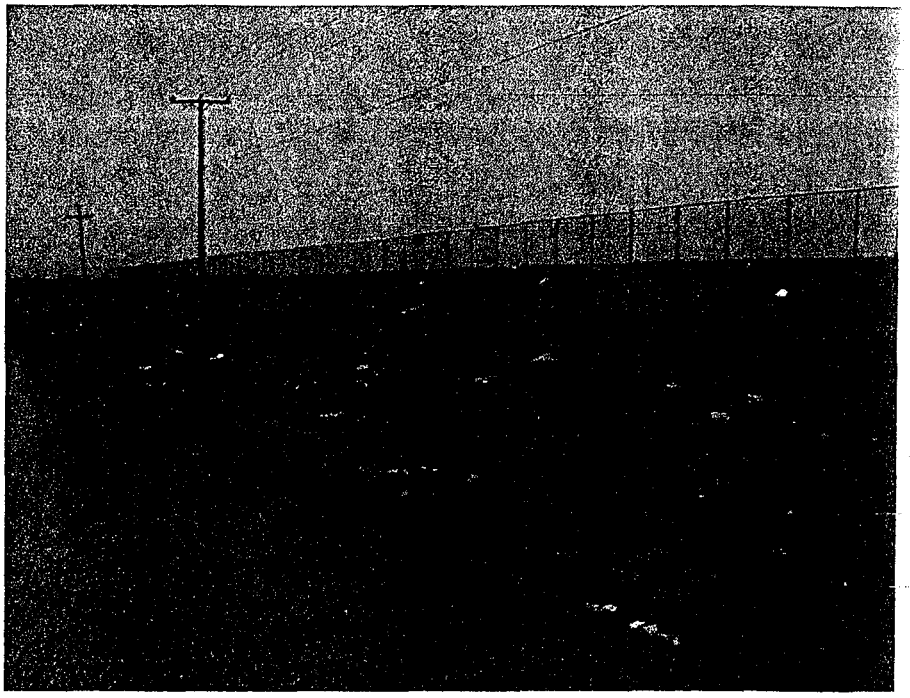
COMMENTS:



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DIRECTION: South
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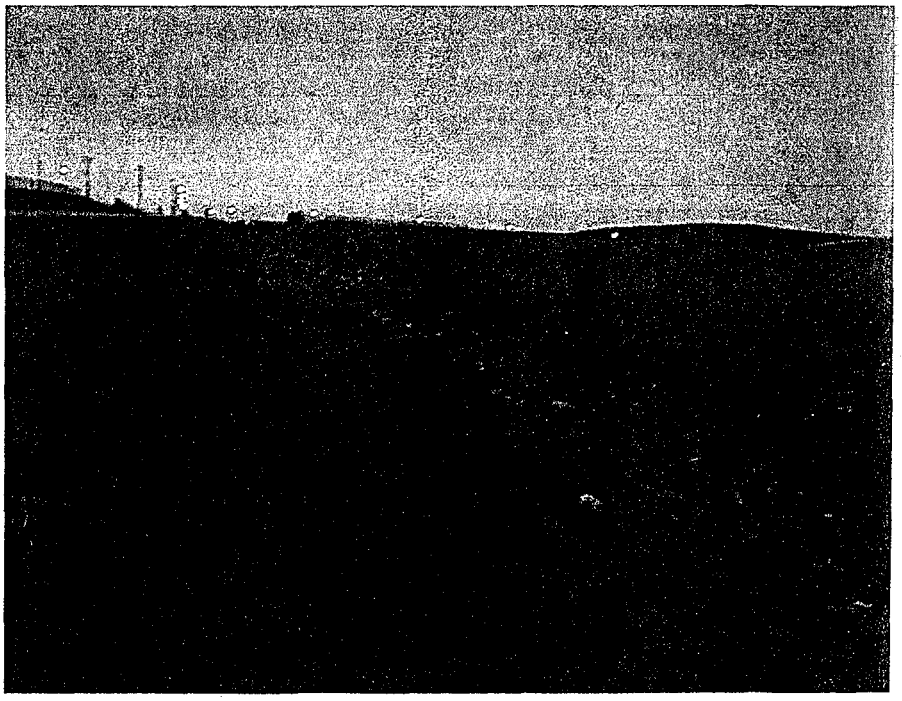

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DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:54 AM
DIRECTION: Northwest
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
1058210002 ~ 01232004-009.jpg
COMMENTS:

DATE: 01-23-2004
TIME: 06:56 AM
DIRECTION: South
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
1058210002~01232004-010.jpg
COMMENTS:

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DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 06:56 AM
DIRECTION: Southwest
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
1058210002 ~ 01232004-011.jpg
COMMENTS:

DATE: 01-23-2004
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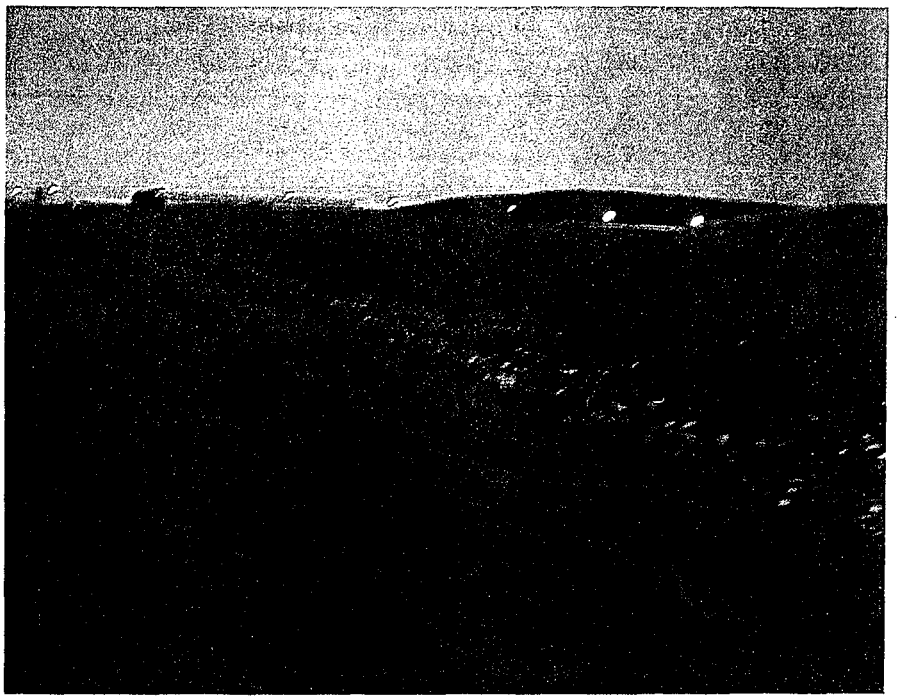

Illinois Environmental Protection Agency
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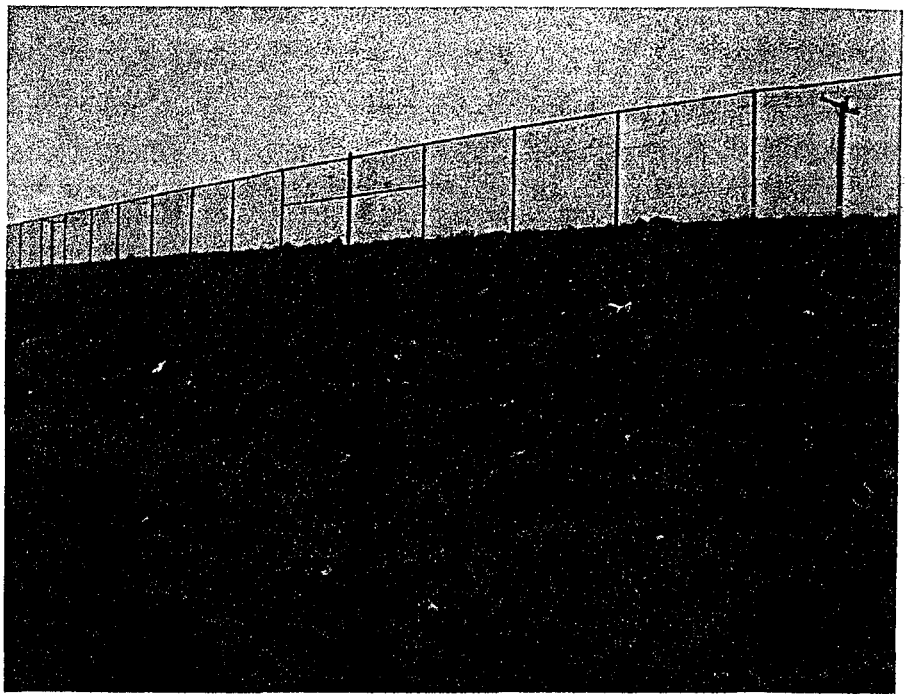
DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File

DATE: 01-23-2004
TIME: 07:00 AM
DIRECTION: Northwest
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
1058210002 ~ 01232004-013.jpg
COMMENTS:



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TIME: 07:00 AM
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PHOTO FILE NAME:
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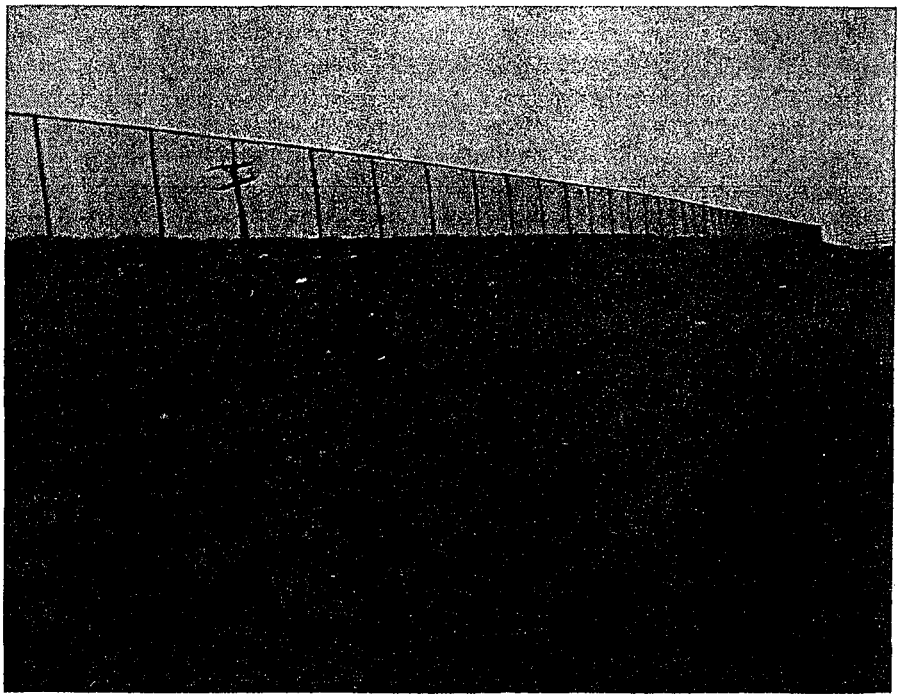
COMMENTS:



Illinois Environmental Protection Agency
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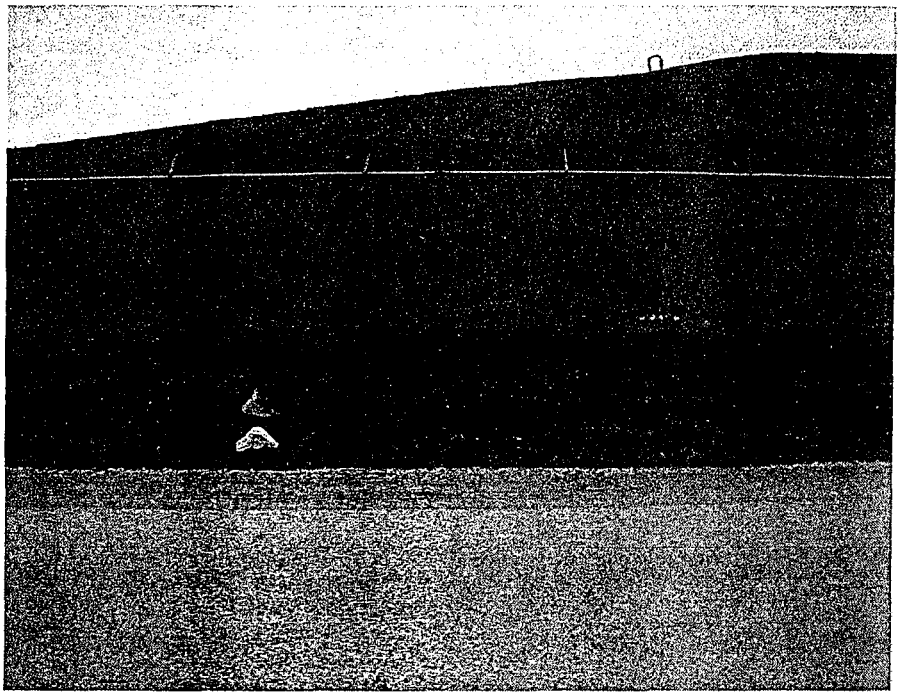
DIGITAL PHOTOGRAPHS

LPC # 1058210002 — Livingston County
Pontiac/Livingston Landfill
FOS File



DATE: 01-23-2004
TIME: 08:02 AM
DIRECTION: South
PHOTO by: Kenneth Keigley
PHOTO FILE NAME:
1058210002 ~ 01232004-015.jpg
COMMENTS:

PROOF OF SERVICE

I hereby certify that I did on the 24th day of February 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: American Disposal Services of Illinois, Inc.
Attn: Kevin Finn, Regional Vice President
13701 South Kostner Avenue
Crestwood, Illinois 60445

David Bryant, Certified Operator
Livingston Landfill
P.O. Box 646
Pontiac, Illinois 61764

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