

ORIGINAL



JOHN B. ROE
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St. Suite 110
OREGON, ILLINOIS 61061

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

Email: oglesa@oglecounty.org
www.oglecounty.org

Telephone: (815) 732-1170
Fax: (815) 732-6607

March 9, 2007

Ms. Dorothy M. Gunn, Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: Administrative Citation
AC# 07- 47
Facility: Rochelle Municipal #2 Landfill
IEPA-LPC Site #: 1418030020
Inspection Date: January 13, 2007

Dear Clerk of the Board:

Enclosed for filing with the Board is the Administrative Citation package issued to the above Facility, Rochelle Municipal #2 Landfill. I am forwarding one complete package which includes a Notice of Filing, Entry of Appearance, Administrative Citation, Informational Notice, Remittance Form, Inspector's Affidavit, Field Investigation Inspection Report forms with accompanying photographs, a Notice of Corrective Action Required, and Proof of Service.

I am also enclosing ten (10) additional copies of the previously mentioned paperwork. Please stamp a copy of these materials as "filed" and return that copy to our Office. A self-addressed stamped envelope is enclosed for your convenience.

For your records, the Citation package was sent via certified mail to City of Rochelle and Rochelle Waste Disposal, L.L.C., and Clyde A. Gelderloos, on March 9, 2007. As soon as I receive the certified mail receipt back from the Respondents, I will notify you so your files will reflect the thirty-five (35) days after which the Board can enter the required Default Order if a Petition for Review has not been filed. If the Respondents pay the civil penalty without filing a Petition for Review, I will notify your Office.

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JOHN B. ROE
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Telephone: (815) 732-1170
Fax: (815) 732-6607

Respondents are to be served at:

City of Rochelle
Attn: Mr. Ken Alberts
420 N. 6th Street
P.O. Box 601
Rochelle, IL 61068

Rochelle Waste Disposal, L.L.C.
Mr. Clyde A. Gelderloos
1161 Hwy. 251 South
Rochelle, IL 61068

Thank you for your assistance and kind attention to this matter.

Sincerely,

John B. Roe
Ogle County State's Attorney

By Emily S. Seifert
Emily S. Seifert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, Illinois 61061

Please note: With the exception of letterhead, all other documents are printed on recycled paper

Enclosures

CC: IEPA Rockford
IEPA Springfield
OCSWMD File
Ogle County State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

County of Ogle

Complainant,

v.

Rochelle Waste Disposal, LLC, and
Clyde A. Gelderloos, Chief Operator,
and City of Rochelle,

Respondents.

AC# 07- 47
(Administrative Citation)

NOTICE OF FILING

TO: City of Rochelle
Attn: Mr. Ken Alberts
420 N. 6th Street
P.O. Box 601
Rochelle, IL 61068

Rochelle Waste Disposal, L.L.C.
Mr. Clyde A. Gelderloos
1161 Hwy. 251 South
Rochelle, IL 61068

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois
Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith
served upon you.

Date:

March 9, 2007

John B. Roe
Ogle County State's Attorney
By: Emily S. Seifert
Emily S. Seifert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, Illinois 61061

CC: IEPA Rockford
IEPA Springfield
OCSWMD File
Ogle County State's Attorney

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

County of Ogle

Complainant,

v.

Rochelle Waste Disposal, LLC, and
Clyde A. Gelderloos, Chief Operator,
and City of Rochelle,

Respondents.

AC# 07- 47
(Administrative Citation)

ENTRY OF APPEARANCE

The undersigned hereby enters his appearance in the above-captioned matter as
counsel for the Ogle County Solid Waste Management Department.

Respectfully Submitted,

John B. Roe
Ogle County State's Attorney

Date: March 9, 2007

By: Emily S. Seifert
Emily S. Seifert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, Illinois 61061

CC: IEPA Rockford
IEPA Springfield
OCSWMD File
Ogle County State's Attorney

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

County of Ogle

Complainant,

v.

Rochelle Waste Disposal, LLC, and
Clyde A. Gelderloos, Chief Operator,
and City of Rochelle,

Respondents.

AC 07- 41
(Administrative Citation)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1 (2004) and delegated to Ogle County pursuant to 415 ILCS 5/4 (r).

FACTS

1. That Respondent, Rochelle Waste Disposal, L.L.C., is the present operator of a facility located at 6513 S. Mulford Road, Rochelle, in the County of Ogle, State of Illinois.
2. That Respondent, Clyde A. Gelderloos, is the Chief Operator of the above-referenced facility.
3. That Respondent, City of Rochelle, is the permitted owner of said facility.
4. That said facility, Rochelle Municipal #2 Landfill, is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1994-547-LFM, and designated with Site Code No. 1418030020.
5. That Respondents have owned or operated said facility at all times pertinent hereto.
6. That several citizen complaints were made to the Ogle County Solid Waste Management Department in weeks prior to the inspection alleging that the Operator was failing to cover the waste at the site adequately at the conclusion of several operating days.

7. That in response to such complaints, Joy K. Bliton of the Ogle County Solid Waste Management Department inspected said facility from outside of the facility fence on Saturday, January 13, 2007, after it had closed for the day.

VIOLATIONS

On the basis of direct observation by Joy K. Bliton, the County of Ogle has determined that Respondents were conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to 415 ILCS 5/21(d), in a manner which resulted in the following conditions:

- A. Uncovered refuse remaining at the conclusion of an operating day, in violation of 415 ILCS 5/21(o)(5).

CIVIL PENALTY

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

If Respondents acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service hereof. If Respondents do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if Respondents elect to contest this Administrative Citation, any judgment rendered against Respondents shall specify the due date of the statutory civil penalty and any costs assessed against Respondents.

When payment is made, Respondents check should be made payable to Ogle County Solid Waste Fund and mailed to the Ogle County Treasurer, Ogle County Courthouse, P.O. Box 40, Oregon, IL 61061. Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon Respondents application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received. Furthermore, if payment is not received when due, the Ogle County State's Attorney shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs of Ogle County and the Illinois Pollution Control Board, if any, the Ogle County State's Attorney's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation (*See* 415 ILCS 5/31.1). If Respondents elect to contest this Administrative Citation, Respondents must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review must also be filed with the Ogle County State's Attorney's Office. 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 against you shall be entered by the Pollution Control Board.

YOUR ORIGINAL PETITION MUST BE FILED WITH THE CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD
at the James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601; and a
copy of said Petition for Review must also be filed with John B. Roe, Ogle County State's
Attorney, at the Ogle County Courthouse, 106 S. Fifth Street, Suite 110, Oregon, IL 61061. In
addition, a copy of the Petition needs to be sent to the Ogle County Solid Waste Management
Department, Stephen J. Rypkema, Director, 909 West Pines Road, Oregon, IL 61061.

John B. Roe
Ogle County State's Attorney

Date:

March 9, 2007

By:

Emily S. Selfert

Emily S. Selfert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, Illinois 61061

CC: IEPA Rockford
IEPA Springfield
OCSWMD File
Ogle County State's Attorney

INFORMATIONAL NOTICE

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS!

NOTE: THIS ADMINISTRATIVE CITATION REFERS TO ONE STATE AGENCY AND TWO COUNTY ENTITIES.

The one state agency is: Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

The two county entities are: Ogle County State's Attorney's Office
Attention: John Roe
106 S. 5th Street, Suite 110
Oregon, IL 61061

Ogle County Solid Waste Management Department
Stephen J. Rypkema, Director
909 W. Pines Road
Oregon, IL 61061

If you elect to contest the enclosed Administrative Citation, you must file a Petition for Review within 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 at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Ogle County State's Attorney's Office, Attention: John Roe, at the address given above. Also, a copy of the Petition for Review should be mailed to the Ogle County Solid Waste Management Department at the address given above.

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

REMITTANCE FORM

County of Ogle)

Complainant,)

v.)

Rochelle Waste Disposal, LLC, and)
Clyde A. Gelderloos, Chief Operator,)
and City of Rochelle,)

Respondents.)

AC 07- 41
(Administrative Citation)

FACILITY: Rochelle Municipal #2 Landfill

SITE CODE NO.: 1418030020

COUNTY: Ogle

DATE OF INSPECTION: January 13, 2007

CIVIL PENALTY: \$500.00

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 Ogle County Treasurer, P.O. Box 40, Oregon, IL 61061.

ORIGINAL

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CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

State of Illinois, Ogle County

Affidavit

County of Ogle

Complainant,

v.

Rochelle Waste Disposal, LLC, and
Clyde A. Gelderloos, Chief Operator,
and City of Rochelle

Respondents.

AC No.: 07-47

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

1. Affiant is a field inspector employed by the County of Ogle and has been so employed at all times pertinent hereto.
2. On, January 13, 2007 between 3:45 p.m. and 4:40 p.m., Affiant conducted an inspection of a solid waste landfill, located in Ogle County, Illinois and known as the Rochelle Municipal #2 Landfill by the Illinois Environmental Protection Agency - Site No. 1418030020.
3. Affiant inspected said Rochelle Municipal #2 Landfill site by an off-site

inspection which included walking and photographing the site from outside of the facility fence.

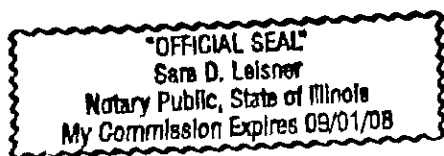
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Rochelle Municipal #2 Landfill site.


Joy K. Bliton, Ogle County Solid Waste
Management Department

Subscribed and Sworn to Before Me

this 7th Day of Feb, 2007


Notary Public



NOTICE OF CORRECTIVE ACTION REQUIRED FOR LANDFILLS

County of Ogle)	Facility # 1418030020 - Ogle County
)	Facility Name: Rochelle Municipal #2
Complainant,)	Landfill
)	
v.)	COMPLIANCE FILE
)	
Rochelle Waste Disposal, LLC, and)	
Clyde A. Gelderloos, Chief Operator,)	
and City of Rochelle,)	
)	
Respondents.)	

WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(o) of the [Illinois] Environmental Protection Act. Additional inspection(s) will be conducted to verify compliance.

**YOU MUST COMPLETE THE
FOLLOWING CORRECTIVE ACTIONS:**

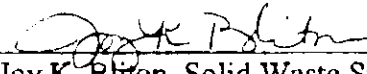
- #1 A uniform layer of 6 inches of clean soil material shall be placed on all exposed waste by the end of each day of operations. Once used as cover, conventional soil daily cover may not be removed, stored, and reused. Synthetic cover tarps, Polypropylene nonwoven fabric (e.g., Fabrisol or equivalent); nonwoven geotextile fabric (e.g., Typar 3601 or equivalent); Spunbond nonwoven fabric (e.g., Typar 3314 or equivalent); Silt film woven fabric (e.g., Amoco silt film or equivalent); foundry sand, lime sludge, contaminated soil and shredded construction and demolition debris may be used as alternative daily cover materials subject to the specific limitations in Permit # 1994-547-LFM, Modification #43, as amended, and provided their performance prevents blowing debris, minimizes access to the waste by vectors, minimizes the threat of fires and minimizes odors at the active face. All other waste areas shall receive daily cover. The maximum area allowed to be covered by any alternative daily cover is 50,000 sq. ft. with the exception of foundry sand which may not exceed 10,000 sq. ft.

Any written response submitted in reply to the corrective action requirements of this notice must be sent to:

Ogle County Solid Waste Management Department
909 W. Pines Road
Oregon, IL 61061

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Should you have any questions concerning this notice or need further assistance contact OCSWMD at 815-732-4020.



Joy K. Bliton, Solid Waste Specialist,
Environmental Engineer

Date: 3-9-07

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board

County of Ogle)
)
Complainant,)
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v.)
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Rochelle Waste Disposal, LLC, and)
Clyde A. Gelderloos, Chief Operator,)
and City of Rochelle,)
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Respondents.)

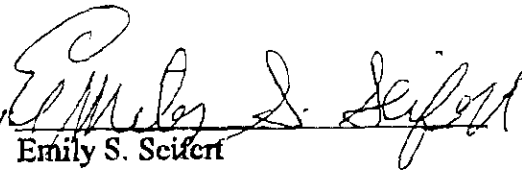
AC 07- 47
(Administrative Citation)

PROOF OF SERVICE

The undersigned, under oath, states that a copy of the TRANSMITTAL LETTER TO THE ILLINOIS POLLUTION CONTROL BOARD, NOTICE OF FILING, ENTRY OF APPEARANCE, ADMINISTRATIVE CITATION, INFORMATIONAL NOTICE, REMITTANCE FORM, INSPECTOR'S AFFIDAVIT, INSPECTION REPORT FORM WITH ATTACHMENTS, NOTICE OF CORRECTIVE ACTION, & PROOF OF SERVICE was mailed to the persons named above by United States Mail (Certified Mail, postage pre-paid and deposited in the United States Mail) from Oregon, Illinois on March 9, 2007.

John B. Roe
Ogle County State's Attorney

Date: March 9, 2007

By: 
Emily S. Seifert
Assistant State's Attorney
Ogle County State's Attorney's Office
106 S. 5th Street, Suite 110
Oregon, Illinois 61061



JOHN B. ROE
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St. Suite 110
OREGON, ILLINOIS 61061

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RECEIVED
CLERK'S OFFICE

MAR 13 2007

STATE OF ILLINOIS
Pollution Control Board
Fax: (815) 732-6607

Email: oglean@ogle-county.org
www.oglecounty.org

FAX TRANSMISSION COVER

TO: Clerk of the IL Pollution Control Board

Attn: John Theriault

FAX #: (312) 814-3669

FROM: Emily Seifea, Assistant State Attorney

Number of pages (including this page): 17

Date & Time transmitted: March 13, 2007 @ 3:15 pm

RE: Filing of Administrative Citation

COMMENTS:

This facsimile transmission is intended and restricted for the above addressee only. It may contain confidential and privileged information, the disclosure of which may be regulated by federal and state law. In the event a person other than the intended recipient receives or comes into possession of this transmission (whether in the transmission phase or after printing of the paper copy of the transmission), said unintended recipient or possessor is hereby notified that dissemination, distribution, or duplication of the transmission or its contents is prohibited. If you should receive this transmission in error, please call us immediately (collect), and return the entire transmission by U.S. mail. Do not read the contents of the transmission. Thank you.



JOHN B. ROE
STATE'S ATTORNEY OF OGLE COUNTY
106 S. 5th St. Suite 110
OREGON, ILLINOIS 61061

ORIGINAL
RECEIVED
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MAR 13 2007
STATE OF ILLINOIS
Pollution Control Board

Email: oglesr@oglecounty.org
www.oglecounty.org

Telephone: (815) 732-1170
Fax: (815) 732-6607

March 13, 2007

Clerk of the Illinois Pollution Control Board
Attn: John Therriault, Assistant Clerk of the Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Faxed to (312) 814-3669

Re: Administrative Citation
AC#: 07- 47
Facility: Rochelle Municipal #2 Landfill
IEPA-LPC Site #: 1418030020
Inspection Date: January 13, 2007

Dear Mr. Therriault:

Per our conversation and your authorization, I am faxing a service package including everything but the Inspection Report with attachments. This faxing of the package will constitute our filing of the Administrative Citation. The Inspection Reports and attachments, along with the original hard copy of the entire service package and ten additional copies, were sent to the Clerk's Office via certified mail on March 9, 2007.

Thank you for your help, and please call if there are any questions.

Sincerely,

Emily Seifert
Assistant State's Attorney