



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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

AC0947

RECEIVED  
CLERK'S OFFICE  
MAY 26 2009  
STATE OF ILLINOIS  
Pollution Control Board  
ORIGINAL

May 19, 2009

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. D & B Refuse Service, Inc. and Steve Loveall  
IEPA File No. 82-09-AC; 1390300001—Moultrie County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Financial Record Review, regarding the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAY 26 2009

STATE OF ILLINOIS  
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
D & B REFUSE SERVICE, INC. and )  
STEVE LOVEALL, )  
 )  
Respondents. )

AC 09-47  
(IEPA No. 82-09-AC)

ORIGINAL

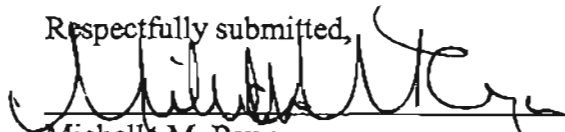
NOTICE OF FILING

To: D&B Refuse Service, Inc  
Steve Loveall, Registered Agent  
8 Bayhill Drive  
Sullivan, IL 61951

Steve Loveall  
8 Bayhill Drive  
Sullivan, IL 61951

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 the FINANCIAL RECORD REVIEW.

Respectfully submitted,



Michelle M. Ryan  
Assistant Counsel

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

Dated: May 19, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
MAY 26 2009  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
D & B REFUSE SERVICE, INC. and )  
STEVE LOVEALL, )  
 )  
Respondents. )

AC 09-47  
(IEPA No. 82-09-AC)

ORIGINAL

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 (2006).

FACTS

1. That D&B Refuse Service, Inc. is the permitted operator and Steve Loveall is the permitted owner ("Respondents") of a facility located at 8 Bayhill Drive, Sullivan, Moultrie County, Illinois.
2. That said facility is a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1974-87-DE, 1974-87-OP and Supplemental Permit No. 2008-277 and is designated with Site Code No. 1390300001. The facility is commonly known to the Illinois Environmental Protection Agency as D&B Refuse Service.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on April 15, 2009, Ronald A. McCormick of the Illinois Environmental Protection Agency's Springfield Office completed a Financial Record Review of documents for the D & B

Refuse Service, Inc. facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 5-19-09, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 3428 # 7007 3020 0002 3214 3398.

#### VIOLATIONS

Based upon direct observations made by Ronald A. McCormick during the course of his April 15, 2009 inspection of those records, 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, which is required to have a permit under subsection (d) of this Section, in a manner which resulted in any of the following conditions: failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules, a violation of Section 21(o)(13) of the Act, 415 ILCS 5/21 (o)(13) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2006), 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 June 30, 2009, 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 (2006), 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.

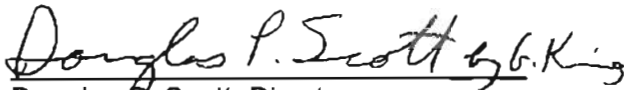
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondent's 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 (2006). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date 5/19/09

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

RECEIVED  
CLERK'S OFFICE  
MAY 26 2009  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
D & B REFUSE SERVICE, INC. and )  
STEVE LOVEALL, )  
 )  
Respondents. )

AC 09-47  
(IEPA No. 82-09-AC)

ORIGINAL

FACILITY: D & B Refuse Service

SITE CODE NO.: 1390300001

COUNTY: Moultrie

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: April 15, 2009

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

RECEIVED  
CLERK'S OFFICE  
MAY 26 2009  
STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant )  
 )  
vs. )  
 )  
D&B Refuse Service )  
Steve Loveall Registered Agent, )  
Respondent )

IEPA DOCKET NO.

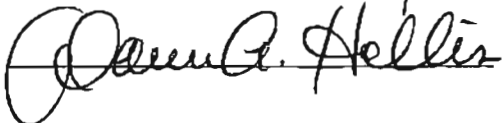
ORIGINAL

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

1. Affiant is an Accountant employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On April 15, 2009, Affiant completed a Financial Record Review of documents for a sanitary landfill located in Moultrie County, Illinois, and known as D&B Refuse Service by the Illinois Environmental Protection Agency. Said site has been assigned LPC # 1390300001, and is operated under IEPA Permit No. 1974-87-DE, 1974-87-OP, Supplemental Permit No. 2008-277, Log No. 2008-2007, issued October 7, 2008.
3. Affiant conducted a Financial Record Review by reviewing the Bureau of Land records and the financial assurance instruments submitted by D&B Refuse Service.
4. As a result of the Financial Record Review D&B Refuse does not have financial assurance and the site is still out of compliance with 35 Ill. Adm. Code, Subtitle G, Subpart F, Sections 601 and 603 as well as 21(d)1, 21(d)(2), 21(o)(13), and 21.1(a) of the Act .

  
\_\_\_\_\_  
Ronald A McCormick

Subscribed and Sworn To Before Me  
This 29<sup>th</sup> Day of April







**Illinois Environmental Protection Agency  
Bureau of Land  
Financial Record Review**

**1390300001 – Moultrie County  
D & B Refuse Service  
Financial File**

**Facility and Operator:  
D & B Refuse Service  
PO Box 256  
Sullivan, IL 61951**

**Owner:  
Steve Loveall  
RR #3  
Sullivan, IL 61951**

**Type of Facility: Solid Waste Landfill**

**Facility Status: Certified Closed**

**Reviewer: Ronald A McCormick Phone#: 785-7726**

**Date of review: April 15, 2009**

**Violations Noted? Yes     X     No**

**Summary of Apparent Violations**

1. 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.601 – Failure to provide financial assurance.
2. 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.603 – Failure to maintain adequate financial assurance
3. 21(d)(1) of the Act – Failure to provide financial assurance
4. 21(d)(2) of the Act – Failure to comply with 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.601 and Section 807.603
5. 21.1(a) of the Act – Failure to maintain adequate financial assurance.

6. 21(o)(13) – Failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board Rules.

**Description of Facility:** This is a non-municipal solid waste landfill that was certified closed on October 30, 2003, Log No. 2001-357. The minimum 15 year post closure period began on October 8, 1994.

**Cost Estimate:** Permit No. 1974-87-DE/OP, Supplemental Permit No. 2007-277-SP, Log No. 2008-277 issued October 7, 2008 has an approved cost estimate for post-closure care of \$48,502.00. The next post-closure cost estimate is due January 1, 2010.

**Financial Assurance Mechanism:** None. A violation notice was sent on May 9, 2008 and a reply was received by the agency on June 23, 2008. The agency rejected the CCA on June 26, 2008 because no financial assurance was received. On October 14, 2008 a Letter of Credit was received by the agency and the LOC was rejected and returned on October 15, 2008 for failing to comply with the requirements of 35 Ill Adm. Code Section 807.664.

**Documents Reviewed:** Permit No. 1974-87-DE/OP, Supplemental Permit No. 2007-277-SP, Log No. 2008-277, REIDS database, Financial Assurance Database, and FACTS database.

**Comments:** Since D&B Refuse has remained out of compliance a request for Administrative Citation has been prepared in accordance with 21(0)(13) of the Act.

MARK



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR      DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

October 7, 2008

Certified Mail  
7007 2560 0003 2093 8611

D&B Refuse Service, Inc.  
Mr. Steve Loveall  
8 Bayhill Drive  
Sullivan, Illinois 61951

RECEIVED  
CLERK'S OFFICE  
MAY 26 2009  
STATE OF ILLINOIS  
Pollution Control Board

Re: 1390300001 - Moultrie County  
Loveall  
Permit Nos. 1974-87-DE and 1974-87-OP  
Supplemental Permit No. 2008-277-SP  
Log No. 2008-277  
Permit Landfill 807 File  
Permit Approval

ORIGINAL

Dear Mr. Loveall:

Supplemental permit is hereby granted to D&B Refuse Service, Inc., as owner and operator, to modify the post-closure care for the above referenced facility, pursuant to 35 Illinois Administrative Code (hereinafter IAC) Subtitle G, Part 807, all in accordance with the application signed and sealed by Joseph W. Truesdale, P.E. of CSD Environmental Services, Inc. on July 7, 2008. Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency, Bureau of Land by the permit number(s) and log number(s) designated in the heading above.

Specifically, Supplemental Permit No. 2008-277-SP approves the revised post-closure care cost estimate. Additionally, the Illinois EPA is modifying the permit pursuant to Permit Section procedures: Condition 6 was added requiring submittal of compliance with Section 39(i) of the Act.

The application approved by Supplemental Permit No. 2008-277-SP consists of the following documents:

<u>Document</u>	<u>Dated</u>	<u>Date Received</u>
Original Application Log No. 2008-277	July 7, 2008	July 10, 2008
Additional Information	July 23, 2008	July 24, 2008

The permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions. In case of conflict between the application and plans submitted and these special conditions, the special conditions of this permit shall govern.

1. This site is subject to a minimum post-closure care period of fifteen years. The post-closure care period began on October 8, 1994.
2. Financial assurance shall be maintained by the operator in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807, Subpart F in an amount equal to the current cost estimate for post-closure care. The current cost estimate is \$48,502.00.
3. The operator shall file a revised cost estimate for post-closure care at least every two years in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807, Subpart F. The next revised cost estimate is due on or before January 1, 2010.
4. Prior conduct certification is no longer required because this facility has been certified to have completed closure.
5. Groundwater and leachate monitoring data required by the permit must be submitted in an electronic format. The information is to be submitted, as fixed-width text files formatted as found at [www.epa.state.il.us/land/waste-mgmt/groundwater-monitoring.html](http://www.epa.state.il.us/land/waste-mgmt/groundwater-monitoring.html).
6. Effective upon issuance of Supplemental Permit No. 2008-277-SP, the permittee(s) shall submit a 39(i) certification and supporting documentation within 30 days of issuance of Supplemental Permit No. 2008-277-SP and thereafter within 30 days of any of the following events:
  - a. The owner or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has violated federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
  - b. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has been convicted in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
  - c. The owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding this facility has committed an act of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of waste.

- d. A new person is associated with the owner or operator who can sign the application form(s) or who has control over operating decisions regarding the facility, such as corporate officer or a delegated employee.

Except as modified in the above documents, the site shall be developed and operated in accordance with the terms and conditions of Permit Nos. 1974-87-DE and 1974-87-OP, dated October 4, 1974 and January 12, 1976, respectively, and with other permits issued for this site.

The original and two (2) copies of all certifications, logs, reports, and groundwater monitoring chemical analysis forms which are required to be submitted to the Illinois EPA by the permittee should be mailed to the following address:

Illinois Environmental Protection Agency  
Permit Section  
Bureau of Land -- #33  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Within 35 days of the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Work required by this permit, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This permit does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Sincerely,



Stephen F. Nightingale, P.E.

Manager, Permit Section  
Bureau of Land

SFN:GEM:bjh\08901s.doc

Attachment: Standard Conditions

bcc: Bureau File  
Champaign Region  
Hope Wright  
Bur Filson  
Greg Morris

cc: Joseph W. Truesdale, P.E., CSD Environmental Services, Inc.

## Inspection Information per Facility

**1390300001--Moultrie**

**SOV Worksheet**

**Loveall Landfill**

Un-resolved Violations  
(non-Delegated Counties)

Un-resolved Violations  
(Delegated Counties)

**Evaluation Date: 7/16/2008    Evaluation Type: SOV**

**Inspector/Review: McCormick    Region: Champaign**

No records of Notices are present.

Violations	Schedule for compliance date	Resolved date	Violation dropped
21(d)(1)		7/17/2008	
21(d)(2)		7/17/2008	
21(o)(13)		7/17/2008	
21.1(a)		7/17/2008	
807.601		7/17/2008	
807.603		7/17/2008	

Action	Action Date	Certified Card Receipt Date	Next Action	Next Action Due Date
No Actions have been recorded.				

**Illinois Environmental Protection Agency  
Bureau of Land  
Financial Record Review**

**1390300001 – Moultrie County  
D & B Refuse Service  
Financial File**

**Facility and Operator:  
D & B Refuse Service  
PO Box 256  
Sullivan, IL 61951**

**Owner:  
Steve Loveall  
RR #3  
Sullivan, IL 61951**

**Type of Facility: Solid Waste Landfill**

**Facility Status: Certified Closed**

**Reviewer: Ronald A McCormick Phone#: 785-7726**

**Date of review: February 29, 2008**

**Violations Noted? Yes   X   No**

**RELEASABLE**

JUL 17 2008

**REVIEWER MD**

**Summary of Apparent Violations**

1. 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.601 – Failure to provide financial assurance.
2. 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.603 – Failure to maintain adequate financial assurance
3. Ill. Adm. Code, Subtitle G, Subpart F, Section 807.623 – Failure to provide biennial post-closure cost estimate
4. 21(d)(1) of the Act – Failure to provide financial assurance
5. 21(d)(2) of the Act – Failure to comply with 35 Ill. Adm. Code, Subtitle G, Subpart F, Section 807.601, Section 807.603, and Section 807.623

6. 21(o)(13) of the Act – Failure to provide biennial post-closure cost estimate.

7. 21.1(a) of the Act – Failure to maintain adequate financial assurance.

**Description of Facility:** This is a non-municipal solid waste landfill that was certified closed on October 30, 2003, Log No. 2001-357. The minimum 15 year post closure period began on October 8, 1994.

**Cost Estimate:** Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-081-SP, Log No. 2004-081 dated September 28, 2004 has an approved cost estimate for post-closure care of \$147,500.00. The permit also required the operator to provide a revised cost estimate for post closure on or before January 1, 2006. A revised estimate has not been received by IEPA.

**Financial Assurance Mechanism:** None. LOC # 03-42 expired December 12, 2007 and no alternate financial assurance has been sent to IEPA.

**Documents Reviewed:** Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-081-SP, Log No. 2004-081, LOC #03-42, REIDS database, Financial Assurance Database, and FACTS database.

**Comments:** A violation notice for failure to maintain financial assurance will be prepared. The date of the next review is November 15, 2008.



ANNEX A ILLUSTRATION B

IRREVOCABLE STANDBY LETTER OF CREDIT

Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trusts or our deposits are insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation. (Only language which does not apply).

We hereby establish our Irrevocable Standby Letter of Credit No. 03-42 in your favor, at the request and for the account of D & B Refuse, Inc. up to the aggregate amount of 147,000.00 U.S. dollars (\$ 147,000) available upon presentation

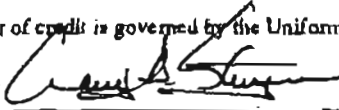
of:

1. your sight draft, bearing reference to this letter of credit No. 03-42; and,
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act, Ill. Rev. Stat. 1983, ch. 111 1/2, par. 1001 et seq. and 35 Ill. Adm. Code 807.604(e).

This letter of credit is effective as of December 12, 2003 and shall expire on December 12, 2007, such expiration date shall be automatically extended for one period of twelve months starting with the expiration date if the operator fails to substitute alternate financial assurance prior to the expiration of this letter of credit and you notify us of such failure within 30 days after the above expiration date.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the State of Illinois landfill closure and post-closure fund in accordance with your instructions.

This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1983, ch. 26, pars. 1-101 et seq.).

Signature 

Typed Name Larry D. Stenger

Title Regional President

Date 12-12-2003

Name and address of issuing institution 200 S. Hamilton  
Sullivan, IL. 61951

This credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 Revision, ICC Publication #500, except as far as otherwise expressly stated.

(Source: Added at 9 Ill. Reg. 6722, effective April 29, 1985; amended at 9 Ill. Reg. 18942, effective November 25, 1985)



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6761

TDD 217/782-9143

May 9, 2008

D & B Refuse Service  
Attention: Steve Loveall  
P.O. Box 256  
Sullivan, IL 61951

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7004 2510 0001 8587 1991

Re: **Violation Notice, L-2008-01168**  
1390300001 Moultrie County  
D & B Refuse Service  
Compliance File

**RELEASABLE**

**MAY 21 2008**

**REVIEWER**

Dear Mr. Loveall:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based a record review completed on February 29, 2008 by a representative of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental statutes, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this notice. The response must address each alleged violation specified in the attachment and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that activity. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject it within 30 days of receipt.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and to meet provided by Section 31(a) of the Act, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

Written communications should be directed to:

Illinois EPA  
Bureau of Land #24  
Attn: Kathy Tomlinson  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

All communications must include reference to your **Violation Notice Number, L-2008-01168**.  
If you have questions regarding this matter, please contact **Ron McCormick** at **217/785-7726**.

Sincerely,

A handwritten signature in black ink, appearing to read "D Walters", with a horizontal line striking through the middle of the signature.

David Walters, Manager  
Waste Reduction and Compliance Section  
Bureau of Land

DW:KJT:RM

bcc: BOL Records Unit #24  
BOL/FOS Champaign Regional Office  
Ron McCormick  
Kathy Tomlinson

## ATTACHMENT A

1. Pursuant to 35 Ill. Adm. Code Subtitle G, Subpart F, Part 807.601 no person shall conduct a waste disposal site or indefinite storage operation, which requires a permit under Section 21(d) of the Act unless such person has provided financial assurance in accordance with this Subpart.
  - a) The financial assurance requirement does not apply to the State of Illinois, its agencies and institutions, or any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site which may be owned or operated by such government entity must provide financial assurance for closure and post-closure care of the site.
  - b) Financial assurance is required of all sites which, on or after March 1, 1985, accepts waste disposal for indefinite storage.

A violation of 35 Ill. Adm. Code, Subtitle G, Subpart F, Part 807.601 for the following reasons: **D & B Refuse Service failed to provide financial assurance. Letter of credit #03-42 expired on December 12, 2007 and no alternate form of financial assurance was submitted to Illinois EPA.**

2. Pursuant to Ill. Adm. Code Subtitle G, Subpart F, Part 807.603
  - a) The operator must maintain financial assurance equal to or greater than the current cost estimate at all times except as provided in this section.
  - b) The operator must increase the total amount of financial assurance to equal the current cost estimate within 90 days after any of the following:
    - 1) An increase in the current cost estimate
    - 2) A decrease in the value of a trust fund
    - 3) A determination by the Agency that an operator no longer meets the gross revenue or financial test or
    - 4) Notification by the operator that the operator intends to substitute alternate financial assurance

A violation of 35 Ill. Adm. Code, Subtitle G, Subpart F, Part 807.603 is alleged for the following reasons: **D & B Refuse Service failed to maintain adequate financial assurance. Letter of Credit # 03-42 expired on December 12, 2007 and no alternate form of financial assurance has been provided to Illinois EPA.**

3. Pursuant to 35 Ill. Adm. Code, Subtitle G, Subpart F, Part 807.623

- a) The operator must revise the current cost estimate at least every two years. The revised cost estimate must be filed on or before the second anniversary of the filing or last revision of the current cost estimate.
- b) The operator must review the closure and post-closure care plans prior to filing a revised cost estimate, in order to determine whether they are consistent with current operations and regulations. The operator must certify either that the plans are consistent or must file an application reflecting new plans.
- c) The operator must prepare new closure and post-closure cost estimates reflecting current prices for the items included in the estimates. The operator must file revised estimates even if the operator determines that there are no changes in the prices.

A violation of 35 Ill. Adm. Code Subtitle G, Subpart F, Part 807.623 is alleged for the following reasons: **D & B Refuse Service failed to provide biennial post-closure cost estimate in accordance with Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-081-SP, Log No, 2004-081 dated September 28, 2004, which required that a revised cost estimate for post closure care be submitted to the Illinois EPA on or before January 1, 2006.**

4. Pursuant to Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by the permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with the Act and with regulations and standards adopted by the Board under this Act.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **D & B Refuse Service failed to provide financial assurance and failed to provide biennial post-closure cost estimate in accordance with Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-081-SP, Log No. 2004-081 dated September 28, 2004. The permit required that a revised cost estimate for post closure care be submitted to Illinois EPA on or before January 1, 2006 and the permit has an approved post closure cost estimate of \$147,500.00**

5. Pursuant to Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)), is alleged for the following reason: **D & B Refuse Service failed to comply**

with 35 Ill. Adm. Code 807.601 and 807.603 requiring financial assurance and submitting financial assurance.

6. Pursuant to 415 ILCS 5/1 Section 21.1(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21.1(a)), no person other than the State of Illinois, its agencies and institutions, or a unit of local government shall conduct any waste disposal operation on or after March 1, 1985 which requires a permit under subsection (d) of Section 21 of this Act, unless such person has posted with the Agency a performance bond or other security for the purpose of closure of the site and post-closure care in accordance with this Act and regulations

A violation of 415 ILCS 5/1 Section 21.1(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21.1(a)) is alleged for the following reason: **D & B Refuse Service failed to provide biennial post-closure cost estimate in accordance with Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-81-SP, Log No. 2004-081 dated September 28, 2004**

#### **SUGGESTED RESOLUTIONS**

**Immediately submit an updated post closure cost estimate pursuant to Permit No. 1974-87-DE/OP, Supplemental Permit No. 2004-081-SP, Log No. 2004-081 dated September 28, 2004 and submit financial assurance in accordance with 35 Ill. Code Subtitle G, Subpart F, Section 807.601 and Section 807.603.**

**The written response to this Violation Notice must include information in rebuttal, explanation, or justification of each alleged violation and must be submitted to the Illinois EPA by certified mail within 45 days of receipt of this Violation Notice. The written response must also include a proposed Compliance Commitment Agreement that commits to specific remedial actions, includes specified times for achieving each commitment, and may include a statement that compliance has been achieved.**

107000000  
D & B REFUSE  
Compla

# CSD ENVIRONMENTAL SERVICES, INC.

June 23, 2008

Illinois Environmental Protection Agency  
Bureau of Land #24  
Attention: Kathy Thomlinson  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

CERTIFIED MAIL

Re: Violation Notice, L-2008-01168  
1390300001 Moultrie County  
D & B Refuse Service  
Compliance File

RECEIVED  
JUN 24 2008  
IEPA/BOL/WRCS

Dear Ms. Thomlinson:

Pursuant to your letter dated May 9, 2008, D & B Refuse offers the following response to resolve the violations cited in your letter:

- 1) A revised closure cost estimate is provided for the remaining 1.5 years of post closure care. The cost estimate is \$48,502.
- 2) Financial assurance in accordance with 35 Ill. Code Subtitle G, Subpart F, Section 807.601 and Section 807.603 will be provided within 30 days of the date of this letter.

If you have any questions please feel free to contact me at the number below or by email at [cdavis@csdeniro.com](mailto:cdavis@csdeniro.com).

Sincerely,



Cindy S. Davis, P.G.  
President

Cc: Steve Loveall

RELEASABLE

JUN 27 2008

REVIEWER MD



D and B Refuse Service, Inc.							
1390300001 - Moultrie County						Revised	
<b>ANNUAL POST-CLOSURE CARE COST ESTIMATES</b>						June 23, 2008	
<b>A. Quarterly Inspections by Reg. Professional Engineer</b>							
Professional Engineer				32	Hours @	\$100	\$3,200
<b>B. Periodic Repairs</b>							
				1	L. Sum @	\$1,000	\$1,000
<b>C. Groundwater Monitoring (7 Wells)</b>							
Sampling				4 Qtrs @	1302	5208	5208
Routine Quarterly Sampling and Testing - List 2				4 Qtrs @	\$1,432	\$5,728	
Second Quarter Sampling and Testing							
1 Qtrs @ Inorganics List 3				\$1,518	\$1,518		
1 Qtrs @ Organics list 3				\$1,102	\$1,102		
					\$7,714		
<b>TOTAL ANNUAL COST</b>							\$16,080
					\$18,080		
<b>D. Quarterly Groundwater Data Assessment</b>				16		\$100	\$1,600
					Hours @		
<b>E. Record Keeping</b>				16		\$100	\$1,600
					Hours @		
<b>F. Annual Mowing</b>				1		\$1,000	\$1,000
					L. Sum @		
<b>G. Gas Control Maintenance</b>				1		\$1,000	\$1,000
					L. Sum @		
<b>H. Leachate Management</b>				1		\$1,000	\$1,000
					L. Sum @		
<b>TOTAL ESTIMATED ANNUAL COST OF POST CLOSURE CARE</b>							\$31,668
<p>Facility was closed in October of 1994 and the Post Closure Care Period began at that time. This leaves 1.5 years of Post Closure Care Required.</p>							
<b>TOTAL ESTIMATED POST CLOSURE CARE BOND</b>							
ESTIMATED YEARLY COSTS				1.5 Years @			\$47,502
CLOSURE CERTIFICATION				LUMP SUM	\$31,668		\$1,000
<b>TOTAL</b>							\$48,502



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

TDD 217/782-9143

June 26, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7004 2510 0001 8587 2387

D & B Refuse  
Attention: Steve Loveall  
P.O. Box 256  
Sullivan, IL 61951

**RELEASABLE**

**MAY 21 2008**

Re: **Rejection of Compliance Commitment Agreement  
Violation Notice, L-2008-01168  
1390300001 - Moultrie County  
D & B Refuse  
Compliance File**

Dear Mr. Loveall:

The Illinois Environmental Protection Agency ("Illinois EPA") **REJECTS** the June 23, 2008 Compliance Commitment Agreement ("CCA") proposed by CSD Environmental Services, Inc. on behalf of D & B Refuse in response to the May 9, 2008 Violation Notice. The June 23, 2008 proposed CCA is rejected because the post-closure cost estimates were not submitted as part of a supplemental permit application, nor was financial assurance in the amount of the most current cost estimate included with the proposed CCA.

Because the violations remain the subject of disagreement between the Illinois EPA and D & B Refuse, this matter will be considered for referral to the Office of the Attorney General, the State's Attorney of Moultrie County, or the United States Environmental Protection Agency for formal enforcement action and the imposition of penalties.

Written communications should be directed to:

Illinois EPA  
Attn: Kathy Tomlinson  
Bureau of Land #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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

All communications shall include reference to your **VIOLATION NOTICE NUMBER, L-2008-01168.**

Questions regarding this matter should be directed to **Ron McCormick** at **217/785-7726.**

Sincerely,

A handwritten signature in black ink, appearing to read "D Walters", written in a cursive style.

David Walters, Manager  
Waste Reduction and Compliance  
Bureau of Land

DW:RM:kjt

cc: Cindy Davis – CSD Environmental Services, Inc.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6761  
TDD: 217/782-9143

July 17, 2008

D & B Refuse Service  
Attn: Steve Loveall  
P.O. Box 256  
Sullivan, IL 61951

Re: 1390300001 -- Moultrie County  
D & B Refuse Service  
Compliance File

M-2008-01168

Dear Mr. Loveall:

The Illinois Environmental Protection Agency ("Illinois EPA") is in receipt of CSD Environmental Services, Inc's July 7, 2008 response to the May 9, 2008 Violation Notice (L-2008-01168) submitted on behalf of D & B Refuse Service. Based upon a review of this response, the Illinois EPA has determined that D & B Refuse Service has returned to compliance for the apparent violations of 35 Ill. Adm. Code, Section 807.623.

Please note, although D & B Refuse Service has returned to compliance for the above violation, the Illinois EPA reserves the right to pursue further enforcement. Additionally, the violations alleged in the May 9, 2008 Violation Notice for failure to provide proper financial assurance remain outstanding and must be addressed.

If you have any questions regarding this letter, please contact Ron McCormick at 217/785-7726.

Sincerely,

David Walters, Manager  
Waste Reduction and Compliance Section  
Bureau of Land

DW:RMcC:kjt

RELEASABLE

JUL 22 2008

REVIEWER MD



# CSD ENVIRONMENTAL SERVICES, INC.

October 9, 2008

Illinois Environmental Protection Agency  
Attention: Mr. Kyle Davis  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Notice of Intent Letter for Violation Notice, L-2008-01168  
LPC # 1390300001 – Moultrie County  
D & B Refuse Service, Inc.  
Compliance File

Dear Mr. Davis:

Mr. Loveall is in receipt of your Notice of Intent Letter dated August 29, 2008 for violation notice L-2008-01168. Mr. Loveall received a return to compliance letter dated July 17, 2008 in regard to Violation Notice L-2008-01168. The July 17, 2008 letter also stated that the outstanding issue for financial assurance must be addressed. In response to this request, Mr. Loveall hereby provides an Irrevocable Standby Letter of Credit from First Mid-Illinois Bank and Trust, Sullivan IL in the amount of \$47,000.00.

If you have any questions please contact me at the number below or by email at [cdavis@csdenviro.com](mailto:cdavis@csdenviro.com)

Sincerely,

Cindy S. Davis, P.G.  
President

Cc: Mr. Steve Loveall

**FILE COPY**

**RECEIVED**  
Division of Legal Counsel

**OCT 14 2008**

Environmental Protection  
Agency

**RELEASABLE**

**OCT 16 2008**

**REVIEWER MD**



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6762

TDD (217) 782-9143

CERTIFIED MAIL 7004 2510 0001 8622 3287

RETURN RECEIPT REQUESTED

October 15, 2008

D&B Refuse

Steve Loveall - President & Registered Agent

8 Bayhill Dr

Sullivan, IL 61951

Re: 1390300001 - Moultrie County

D&B Refuse

Financial File

Dear Mr. Loveall:

The Illinois EPA is returning First Mid-Illinois Bank & Trust Letter of Credit No. 08-32 for the following reasons.

1. The Letter of Credit was not written on the forms specified in Appendix A Illustration E of 35 Ill. Adm. Code Section 807.
2. The Letter of Credit was not written for 4 years as required by 35 Ill. Adm. Code Section 807.664(g)(1).
3. The Letter of Credit was not issued in the amount equal to the current cost estimate of \$48,502.00 contained in Permit No. 1974-87-DE, 1974-87-OP, Supplemental Permit No. 2008-277, Log No. 2007-277, dated October 7, 2008.

Also, the Letter of Credit was not accompanied by a letter from the operator or owner referring to the Letter of Credit by number, the name and address of the issuing institution, and the effective date of the letter along with the name and address of the site and the amount of the funds assured for closure/post-closure.

Enclosed is a copy of Section 807.664 for your reference and Appendix A, Illustration E of Section 807 for the proper format of the Letter of Credit.

If you have any questions please contact me at (217) 785-7726.

**RELEASABLE**

OCT 22 2008

**REVIEWER MD**

Sincerely,



Ronald A McCormick  
Accountant  
Compliance Unit  
IEPA - BOL

Enclosures Letter of Credit 08-32  
Section 807.664 Letter of Credit  
Section 807 Appendix A Financial Assurance Forms  
Illustration E Irrevocable Standby Letter of Credit

cc: Cindy S Davis – CSD Environmental Services

bcc: Bol File  
Ronald A McCormick

# IRREVOCABLE STANDBY LETTER OF CREDIT

ISSUER: FIRST MID-ILLINOIS BANK & TRUST, NA  
200 S. HAMILTON  
SULLIVAN, IL 61951

Date of Issue: 08-28-2008 Letter of Credit Number: 08-32

Amount: U.S. \$ 47,000.00  
( FORTY SEVEN THOUSAND AND NO/100 U.S. DOLLARS)

For Benefit Of:  
Beneficiary Name and Address

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 NORTH GRAND AVENUE EAST, PO BOX 19276, SPRINGFIELD, IL  
62794-9276

For Account Of:  
Applicant Name and Address

O & B REFUSE SERVICE INC  
8 BAYHILL DR  
SULLIVAN, IL 61951-0258

LETTER OF CREDIT. Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one) together with the documents described below. Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under [Issuer name] Letter of Credit No. [Letter of Credit number] dated [Letter of Credit date]." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the Draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

## DRAWINGS.

- Partial drawings shall not be permitted under this Letter of Credit.
- Partial drawings are permitted. The maximum number of drawings that may be made is \_\_\_\_\_.

DOCUMENTS. Each Draft must be accompanied by the following, an original and two copies except as stated:

- The original Letter of Credit, together with any amendments.
- A sight draft drawn by Beneficiary on Issuer.
- A signed statement by Beneficiary including the following statement: **APPLICANT HAS FAILED TO MEET THE TERMS OF AGREEMENT BETWEEN APPLICANT AND BENEFICIARY.**
- Other documents: **COPY OF BENEFICIARY'S BILLING STATEMENT TO THE CUSTOMER REFLECTING THE AMOUNT OWED.**

Issuer shall be entitled to accept a draft and the documentation described above, as required by the terms of this Letter of Credit, from any person purporting to be an authorized officer or representative of Beneficiary without any obligation or duty on the part of Issuer to verify the identity or authority of the person presenting the draft and such documentation.

**SPECIAL INSTRUCTIONS: A SIGHT DRAFT DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED "DRAWN UNDER FIRST MID-ILLINOIS BANK & TRUST, N.A. IRREVOCABLE STANDBY LETTER OF CREDIT NO. 08-32". ANY AMENDMENT TO THE TERMS OF THIS LETTER OF CREDIT MUST BE IN WRITING SIGNED BY AUTHORIZED OFFICERS OF THE BANK.**



EXPIRATION DATE. This Letter of Credit expires at the close of business at Issuer's address at 4:00 P.M. (Time) on 03-28-2010 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date.

If Beneficiary has not drawn the full amount of this Letter of Credit prior to the Expiration Date, the Expiration Date shall be extended for a period of \_\_\_\_\_ days from the Expiration Date, unless Issuer notifies Beneficiary in writing at least \_\_\_\_\_ days prior to the Expiration Date that Issuer elects not to extend this Letter of Credit. In any event, this Letter of Credit shall expire on \_\_\_\_\_ without any notice from Issuer to Beneficiary.


TRANSFERABILITY. This Letter of Credit is  transferable  non-transferable.

APPLICABLE LAW. This Letter of Credit shall be governed by:

- the Uniform Customs and Practice for Documentary Credits, 2006 Revision, International Chamber of Commerce Publication No. 600 (UCP), or any later version or amendment.
- the International Standby Practices 1998 (ISP98).

This Letter of Credit shall also be governed by the laws of ILLINOIS, the United States of America, so long as such laws are not inconsistent with the UCP or ISP, as applicable.

FIRST MID-ILLINOIS BANK & TRUST, NA  
(Issuer Name)

By   
(Signature)

8/26/2008  
(Date)

LARRY STENGER, REGIONAL PRESIDENT  
(Signer Name and Title)

RECEIVED  
CLERK'S OFFICE

MAY 26 2009

STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

I hereby certify that I did on the 19th day of May 2009, 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 the FINANCIAL RECORD REVIEW

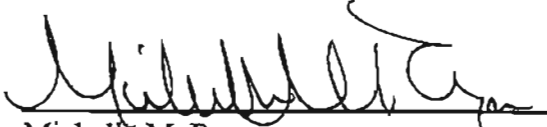
To: D&B Refuse Service, Inc  
Steve Loveall, Registered Agent  
8 Bayhill Drive  
Sullivan, IL 61951

Steve Loveall  
8 Bayhill Drive  
Sullivan, IL 61951

ORIGINAL

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: John Therriault  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

  
Michelle M. Ryan  
Assistant Counsel

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