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CERTIFIED MAIL # 7008 1830 0001 4714 5801
RETURN RECEIPT REQUESTED

Chris Peters
Veolia Environmental Services – Orchard Hills Landfill
8290 Highway 251
Davis Junction, Illinois 61020

**RE: Violation Notice M-2010-01001
I.D. 141017AAC**

Dear Mr. Peters:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental laws, regulations or permits as set forth in Attachments A and B to this letter. Attachments A and B include an explanation of the activities that the Illinois EPA believes may resolve the specified 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 letter. The response must address each violation specified in Attachment A and include for each an explanation of the activities that will be implemented and the time schedule for the completion of each activity. 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.

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

Written communications should be directed to Yasmine Keppner-Bauman, Illinois EPA, Bureau of Air, Compliance Unit, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must reference the Violation Notice number in this matter.

Questions regarding Attachment A should be directed to Tom Walsh at 815/987-7017. Questions regarding Attachment B should be directed to Dave Retzlaff at 815/987-7414.

Sincerely,

Raymond E. Pilapil, Manager
Compliance Section
Bureau of Air

REP: ykb

Attachments

Violation Notice M-2010-01001

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ATTACHMENT A

Per observations by Tom Walsh on September 24, 2009, and January 7, 2010, and other available information:

VIOLATIONS:

1. Section 9(a) of the Act and 35 Ill. Adm. Code 201.141: Veolia Environmental Services – Orchard Hills Landfill caused or allowed air pollution as evidenced by numerous citizen complaints and Illinois EPA observation of odors beyond property boundaries.
2. Section 9(b) of the Act and condition 1.6(a)(iii) of construction permit 05020039: Veolia Environmental Services – Orchard Hills Landfill exceeded the emission limit of 34.6 lbs/hour for SO₂ since at least June 2009.
3. Section 9(b) of the Act and 35 Ill. Adm. Code 201.142: Veolia Environmental Services – Orchard Hills Landfill caused the emission of the SO₂ in excess of the permitted SO₂ emission limit without having first obtained a construction permit from the Illinois EPA.
4. Section 39.5(6)(b) of the Act: Veolia Environmental Services – Orchard Hills Landfill caused the emission of SO₂ in excess of the permitted emission limit at a major source, and thereafter operated the source without first obtaining the requisite Clean Air Act Permit Program (“CAAPP”) permit issued by the Illinois EPA.

RECOMMENDATIONS:

The Illinois EPA suggests that Veolia Environmental Services – Orchard Hills Landfill take the following action to address the violations stated above:

1. An ambient air monitoring program for hydrogen sulfide shall be established. The monitoring program is to consist of two sites located at or near the property fence line and are to be equipped to continuously measure and record hydrogen sulfide concentrations. One site is to also include a meteorological monitoring system to continuously record wind direction, speed, and ambient temperature. Within 45 days of receipt of this Violation Notice, the monitoring locations selected shall be submitted for Agency approval. Within 60 days of site approval, an air monitoring quality assurance plan must be submitted for Agency approval. Ambient air monitoring shall commence within 150 days of monitoring site approval by the Agency.
2. Within 45 days of receipt of this Violation Notice, prepare and submit an odor control plan including any equipment to be used with a schedule for implementation of odor control measures and/or installation of air pollution control equipment.

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ATTACHMENT A (continued)

RECOMMENDATIONS (continued):

3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA a complete and acceptable permit application seeking authorization from the Illinois EPA for operating the landfill expansion/flare modification that allows levels of SO₂ emissions which are high enough to accommodate the landfill's actual SO₂ emissions.

1410175005 – Ogle County
Veolia ES Orchard Hills Landfill Inc
Compliance File

Attachment B

1. Pursuant to 35 Ill. Adm. Code Section 811.311(d)(2) [Standards for Gas Collection Systems], the operator shall design and operate the system so that the standards of subsections (a)(1), (a)(2), and (a)(3) will not be exceeded.

A violation of 35 Ill. Adm. Code Section 811.311(d)(2) is alleged for the following reason: **Malodors have been detected beyond the property boundary; therefore, the gas collection system was not designed or operated in a manner that prevents these odor problems from occurring.**

2. 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, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)) is alleged for the following reason: **.Conducting a waste disposal operation in violation of the regulations adopted by the Board under the Act.**

Suggested Resolutions

Within 45 days of receipt of this notice, submit a plan that details the steps that will be taken to control the release of landfill gases that are the cause of the odor problem.

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.