

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
CDT Landfill Corporation)	FINDING OF VIOLATION
Joliet, Illinois)	
)	EPA-5-99-IL-12
)	
Proceedings Pursuant to)	
Section 113(a)(3) of the)	
Clean Air Act,)	
42 U.S.C. § 7413(a)(3))	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and CDT Landfill Corporation that U.S. EPA finds that CDT Landfill is in violation of the Clean Air Act (Act), 42 U.S.C. §§7401 et seq. CDT Landfill is in violation of Section 111(e) of the Act, 42 U.S.C. § 7411(e), and the regulations setting forth New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills, 40 C.F.R. Part 60, Subpart WWW. CDT Landfill is also in violation of Title V of the Act, 42 U.S.C. §§ 7661 et seq., and the regulations setting forth Clean Air Act Permit Program (CAAPP) requirements at 40 C.F.R. Part 70. The bases for these findings are discussed more specifically below.

REGULATORY AUTHORITY

1. The NSPS regulations for Municipal Solid Waste Landfills, effective May 30, 1996, apply to Municipal Solid Waste (MSW) landfills that commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991.
2. The NSPS regulations at 40 C.F.R. § 60.752(b) require that an owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters is subject to the CAAPP requirements at 40 C.F.R. Part 70.

3. The CAAPP regulations at 40 C.F.R. § 70.5(a) require subject sources to submit a timely and complete CAAPP application in accordance with 40 C.F.R. Part 70.
4. The CAAPP regulations at 40 C.F.R. § 70.5(a)(1) state that a timely application for a source applying for a permit is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the permitting authority may establish.
5. The NSPS regulations at 40 C.F.R. Part 60, Subpart WWW, became effective on May 12, 1996.
6. The NSPS regulations at 40 C.F.R. § 60.752(b) require that an owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters shall either comply with 40 C.F.R. § 60.752(b)(2) or calculate a Nonmethane Organic Compound (NMOC) rate for the landfill.
7. The NSPS regulations at 40 C.F.R. § 60.752(b)(2) require that an owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and having a calculated NMOC emission rate equal to or greater than 50 megagrams per year submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of calculating the NMOC rate.
8. The NSPS regulations at 40 C.F.R. § 60.757 require that an owner or operator of a subject MSW landfill must file a design capacity report.
9. The NSPS regulations at 40 C.F.R. § 60.757(b) require that the owner submit an NMOC emission rate report to the Administrator initially and annually.
10. The NSPS regulations at 40 C.F.R. § 60.757(c) require that the owner submit a collection and control system design plan prepared by a professional engineer to the Administrator within one year of the first report in which the emission rate exceeds 50 megagrams per year.

FACTUAL BACKGROUND

11. CDT Landfill Corporation owns and operates an MSW landfill located at 2851 Mound Road, Joliet, Illinois.
12. Since May 12, 1996, CDT Landfill Corporation's MSW landfill has had a design capacity greater than or equal to 2.5 million megagrams by mass or 2.5 million cubic meters by volume.
13. CDT Landfill Corporation filed its initial design capacity report within the State of Illinois on November 18, 1996.
14. The NMOC calculated emission rate for the CDT Landfill Corporation's MSW landfill is equal to or greater than 50 megagrams per year.
15. CDT Landfill Corporation's MSW landfill is subject to the NSPS and CAAPP requirements for MSW, as identified above.

SPECIFIC FINDINGS OF VIOLATION

16. CDT Landfill Corporation failed to submit an NMOC emission rate report to the Administrator annually, in violation of 40 C.F.R. § 60.757(b).
17. CDT Landfill Corporation failed to submit a gas collection and emission control system design plan within a year after reporting the NMOC emission rate greater than 50 megagrams per year, in violation 40 C.F.R. § 60.757(c).
18. CDT Landfill Corporation failed to file an application to obtain a CAAPP permit, in violation of 40 C.F.R. § 60.752(b) and 40 C.F.R. § 70.5(d).

5/4/99

Date

 For
Richard C. Karl, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Finding of Violation was sent by Certified Mail, Return Receipt Requested, to:

Mr. Danny Geiss, President
CDT Landfill Corporation
2851 Mound Road
Joliet, Illinois 60436

I also certify that copies of the Finding of Violation were sent by first class mail to:

David Kolaz, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
1701 First Avenue - Suite 1202
Maywood, Illinois 60153

on the 5th day of May, 1999


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140778974