



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 22 2010

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chris Peters, General Manager
VES Orchard Hills Landfill
8290 Highway 251
Davis Junction, Illinois 61020

Re: Notice and Finding of Violation
VES Orchard Hills Landfill
Davis Junction, Illinois

Dear Mr. Peters:

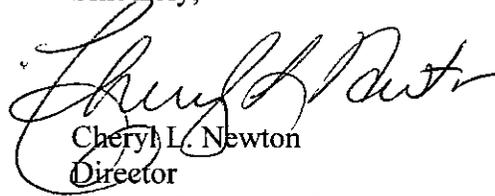
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Veolia Environmental Services Orchard Hills Landfill, Inc. (VES Orchard Hills). The NOV/FOV is being issued under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are in violation of the terms of the "Standards of Performance for Municipal Solid Waste Landfills" at 40 C.F.R. Part 60, Subpart WWW, the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A, Title V Permit 02020048, and the Illinois State Implementation Plan (SIP) at your Davis Junction, Illinois facility.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is Shannon Downey. You may call her at (312) 353-2151 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with the first name being the most prominent.

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

4. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board Rule 102 (35 Illinois Administrative Code § 201.141), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
5. Title V of the CAA, 42 U.S.C §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.
6. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. Part 70, providing for the establishment of Title V permitting programs.
7. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a) and 40 C.F.R. §70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

VES Orchard Hills' Facility

8. VES Orchard Hills owns and operates a municipal solid waste landfill facility in Davis Junction, Illinois (the Facility).
9. The Facility produces landfill gas containing methane, carbon dioxide, hydrogen sulfide, non-methane organic compounds, and other chemicals which are air contaminants and/or cause or tend to cause air pollution.
10. To control air pollution emissions, the Facility sends landfill gas to an on-site open flare.
11. The Illinois Environmental Protection Agency (IEPA) issued a Title V permit (No. 02020048) for the Facility to VES Orchard Hills on July 17, 2003.
12. Condition 7.1.3(c) of the Facility's Title V permit requires that all collected landfill gas be routed to a control system that complies with the operation and design requirements of 40 C.F.R. §60.752(b)(2)(iii).
13. Condition 7.1.3(b)(i)(D) of the Facility's Title V permit requires that operation of the collection and control device comply with 40 CFR §60.752(b)(2)(iv). This requires that the control device be operated in accordance with the provisions of 40 C.F.R. §§ 60.753, 60.755, 60.756.

14. Condition 7.1.8(b)(iii) of the Facility's Title V permit requires that the control or treatment system be operated at all times when the collected gas is routed to the system, in compliance with 40 CFR §60.753(f).

15. Condition 7.1.3(b) of the Facility's Title V permit requires that VES Orchard Hills maintain and operate the Facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, in compliance with 40 C.F.R. §60.11(d).

16. The Illinois SIP at Illinois Administrative Code (IAC) § 201.141 requires that no person cause or threaten or allow the discharge or emission of any contaminant into the environment so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois.

17. The Illinois SIP at IAC § 201.102 defines air pollution as the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

18. VES Orchard Hills has reported that on various occasions since 2004 the Facility's flare was not operating, and the flare was thus not controlling the air emissions from the landfill.

19. Since 2008 to the present, numerous odor problems have been identified as reflected by citizen complaints received by the local government, Illinois Environmental Protection Agency, and U.S. EPA from people in residential areas near the Facility.

Violations

20. By failing to route all collected landfill gas at the Facility to operating control equipment, VES Orchard Hills is in violation of 40 CFR 60.752(b)(2)(iii), 40 CFR 60.753(f), and Title V Condition 7.1.8(b)(iii).

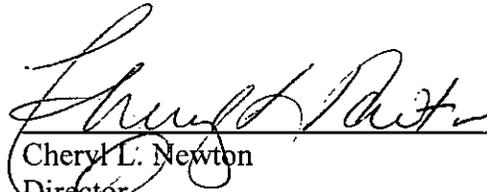
21. By failing to properly operate the equipment used to control landfill gas from the Facility, VES Orchard Hills is in violation of 40 CFR 60.752(b)(2)(iv), and Title V Condition 7.1.8(b)(iii).

22. Through poor control device operation at the Facility and causing odor problems, VES Orchard Hills has failed to maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. This is in violation of 40 CFR 60.11(d) and Title V Permit Condition 7.1.3(b).

23. By the Facility causing air pollution leading to odor problems, VES Orchard Hills is in violation of the SIP at 35 IAC 201.141.

24. VES Orchard Hills' violation of the Facility's Title V Operating Permit and the SIP constitutes violation of section 502 of the CAA and 40 C.F.R. § 70.7(b).

2/22/10
Date



Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice and Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Chris Peters, General Manager
VES Orchard Hills Landfill
8290 Highway 251
Davis Junction, Illinois 61020

I also certify that I sent copies of the NOV/FOV by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 23rd day of February, 2010.


Betty Williams
Administrative Program Assistant
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589160149