



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

FEB 8 2010

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Hay, District Manager
Countryside Landfill, Inc.
31725 North Route 83
Grayslake, Illinois 60030

Re: Notice and Finding of Violation
Countryside Landfill
Grayslake, Illinois

Dear Mr. Hay:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Waste Management of Illinois, Inc. (WM). 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; Construction Permit 98100039; and the Illinois State Implementation Plan (SIP) at your Grayslake, Illinois facility.

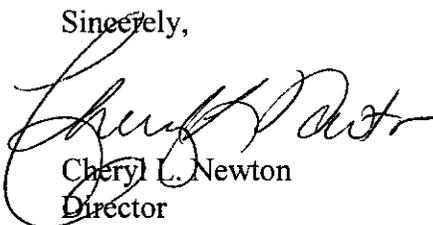
We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

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 Joseph Ulfing. You may call him at (312) 353-8205 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 a large initial "C".

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

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

each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.

5. 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.

6. 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.

Countryside's Facility

7. Countryside owns and operates a municipal solid waste landfill in Grayslake, Illinois.

8. Countryside's landfill produces landfill gas containing methane, carbon dioxide, hydrogen sulfide, non-methane organic compounds, and other chemicals.

9. Countryside sends its landfill gas to a neighboring gas-to-energy facility and on-site flares to control emissions. Sometimes the flare is used concurrently with the gas-to-energy facility to control excess gas not used by the gas-to-energy facility.

10. Illinois Environmental Protection Agency (IEPA) issued a construction permit (No. 98100039) to Countryside on November 15, 2000. This permit covers the operation of a replacement enclosed flare for the control of landfill gas emissions.

11. IEPA issued a Title V Permit (No. 97040110) to Countryside on April 28, 1997.

12. Condition 7.1.5(a)(iii) of Countryside'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 7.1.5(a)(iv) of Countryside's Title V Permit requires that operation of the collection and control device installed to comply with 40 C.F.R. § 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, and 60.756.

14. Condition 7.1.7(a)(vi) of Countryside'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 C.F.R. § 60.753(f).

15. Condition 7.1.3(b) of Countryside's Title V Permit requires that Countryside 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, in compliance with 40 C.F.R. § 60.11(d).

16. Condition 7.1.6(a)(iii) of Countryside's Title V Permit, and Construction Permit No. 98100039, require that sulfur dioxide emissions from the facility's flare be less than 6.28 pounds per hour, and 27.49 tons per year.

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

18. 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."

19. Since 2004, Countryside has reported 16 occasions when neither the gas-to-energy facility or landfill flare were operating and controlling the emissions from the landfill.

20. Countryside has reported that since 2005 there have been approximately 100 occasions ranging in duration from 1 hour to 1 month when the landfill flare was not operational, though the gas-to-energy facility may have been operating.

21. Countryside has reported that since 2004 there have been 23 occasions when the landfill flare was operated at a temperature lower than that used to demonstrate compliance during performance testing.

22. Countryside has reported sulfur dioxide emissions from the landfill flare in excess of 6.28 pounds per hour and 27.49 tons per year.

23. The Countryside landfill accepted drywall fines from early 2008 through December 2008.

24. Since 2008 to the present, numerous odor complaints have been reported to the local government, IEPA, and U.S. EPA from people in the residential area near the Countryside landfill.

Violations

25. By failing to operate the equipment used to control the landfill gas, Countryside is in violation of 40 C.F.R. § 60.752(b)(2)(iii), 40 C.F.R. § 60.753(f), and Title V Permit Conditions 7.1.5(a)(iii) and 7.1.7(a)(vi).

26. By failing to properly operate the equipment used to control the landfill gas, Countryside is in violation of 40 C.F.R. § 60.752(b)(2)(iv), and Title V Permit Condition 7.1.5(a)(iv).

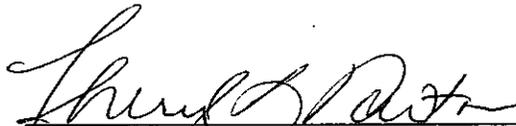
27. Through the landfill's poor control device operation, accepting drywall fines, and causing odor complaints, U.S. EPA has determined that Countryside has failed to maintain and operate an affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. This is a violation of 40 C.F.R. § 60.11(d) and Title V Permit Condition 7.1.3(b).

28. By emitting sulfur dioxide in excess of 6.28 pounds per hour and 27.49 tons per year from its landfill flare, Countryside is in violation of Construction Permit No. 98100039, and Title V Permit Condition 7.1.6(a)(iii).

29. By causing numerous odor complaints, Countryside is in violation of the SIP at 35 IAC § 201.102.

30. Countryside's violation of its Title V Operating Permit, its Construction Permit, and the SIP constitute violation of section 502 of the CAA and 40 C.F.R. § 70.7(b).

2/8/10
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:

Mike Hay, District Manager
Countryside Landfill, Inc.
31725 North Route 83
Grayslake, Illinois 60030

I also certify that I sent copies of the Request for Information 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 9th day of February, 2010.



Betty Williams
Administrative Program Assistant
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7009 16800000 76665179