

217/782-5811  
TDD 217/782-9143

CERTIFIED MAIL # 7008 1830 0001 4714 5795  
RETURN RECEIPT REQUESTED

Thomas Hilbert  
Winnebago Reclamation Service  
Suite 201 B  
5450 Wansford Way  
Rockford, Illinois 61109

**RE: Violation Notice M-2010-01002**  
**Site: Winnebago Landfill, 8403 Lindenwood Road, Rockford**  
**I.D. 201801AAF**

Dear Mr. Hilbert:

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.

Page 2  
Violation Notice M-2010-01002  
Winnebago Reclamation Service, I.D. 201801AAF

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 815/782-5811. 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

Attachment A

Based on observations by Tom Walsh on December 29, 2009, and January 7, 2010, and other available information:

VIOLATIONS:

1. Section 9(a) of the Act and 35 Ill. Adm. Code 201.141: Winnebago Reclamation Service 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(b)(i) of construction permit 04120073: During several occasions in the months of July, August, November, and December 2009, the Winnebago Reclamation Service South Flare exceeded the maximum landfill gas loading of 790 scfm as delineated in condition 1(b) of construction permit 04120073.
3. Section 9(b) of the Act and condition 1(b)(iii) of construction permit 04120073: Winnebago Reclamation Service exceeded the emission limit of 0.40 lbs/hr for SO<sub>2</sub> for the south open flare since at least June 2009.
4. Section 9(b) of the Act and condition 8(b) of construction permit 04120073: Winnebago Reclamation Service failed to provide complete and timely deviation reports for the exceedances of the maximum landfill gas loading of 790 scfm. Additionally, Winnebago Reclamation Service failed to timely notify the Illinois EPA, Bureau of Air, Compliance Section, of SO<sub>2</sub> exceedances at the south flare.
5. Section 39.5(6)(a) of the Act and condition 7.1.6(a) of Clean Air Act Permit Program ("CAAPP") 99020102: Winnebago Reclamation Service exceeded the emission limit of 1.24 lbs/hr for SO<sub>2</sub> for the north open flare in at least June 2009.
6. Section 39.5(6)(a) of the Act and condition 7.1.10 of CAAPP 99020102: Winnebago Reclamation Service failed to timely report exceedances of SO<sub>2</sub> emission limit for the north flare to the Illinois EPA, Bureau of Air, Compliance Section.
7. Section 9(b) of the Act and 35 Ill. Adm. Code 201.142: Winnebago Reclamation Service failed to obtain a construction permit from the Illinois EPA prior to causing the emission of SO<sub>2</sub> in excess of permitted emission limits resulting in a modification.
8. Section 39.5(6)(b) of the Act: Winnebago Reclamation Service caused the emission of SO<sub>2</sub> in excess of permitted emission limits at a major source without first obtaining the requisite CAAPP permit and operates without a CAAPP permit.

Violation Notice M-2010-01002  
Winnebago Reclamation Service, I.D. 201801AAF

Attachment A (continued)

VIOLATIONS (continued):

9. Section 9.1(d) of the Act and 40 CFR 63.6(e)(3): Winnebago Reclamation Service failed to develop and implement a complete written startup, shutdown, and malfunction plan that specifies facility procedures for the startup of landfill gas flares in relationship to the associated Winnebago Energy Center.
10. Section 9(a) of the Act and 35 Ill. Adm. Code 214.301: Winnebago Reclamation Service caused or allowed emissions of SO<sub>2</sub> in excess of 2000 ppm since at least June 2009.

RECOMMENDATIONS:

The Illinois EPA suggests that Winnebago Reclamation Service take the following actions to address the apparent violations noted:

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.
3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Permit Section, a complete and accurate revised CAAPP permit application setting forth a revised SO<sub>2</sub> emission limit correctly reflecting SO<sub>2</sub> emissions generated during the flaring of landfill gas.
4. Within 45 days of receipt of this Violation Notice, complete a revision to the current SSM Plan which details particularly the role of the flares as back-up control during periods when generating engine(s) at the Winnebago Energy Center may be shutdown.

Violation Notice M-2010-01002  
Winnebago Reclamation Service, I.D. 201801AAF

Attachment A (continued)

RECOMMENDATIONS (continued):

5. Within 45 days of receipt of this Violation Notice, submit a detailed plan, with a timeline, to achieve compliance with the requirements of 35 Ill. Adm. Code 214.301, including interim milestone action to be taken to achieve compliance and the dates those milestones will be achieved, and interim actions to be taken to ensure continuous compliance with the regulatory and permit requirements.
6. In the future timely and accurately report all regulatory and permit exceedances to the Illinois EPA, Bureau of Air, Compliance Section, within 30 days of occurrence.

### 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.**