BOL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

847/294-4000
847/294-4083 Fax

AUG 0 2 2007

Onyx Services Midwest, Inc.
Attn: Raymond Strong
2800 Shermer Road
Northbrook, Illinois 60062

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 3110 0000 4254 8204

RECEIVED
AUG 0 3 2007
IEPA/BOL

Re: **Violation Notice, L-2007-01271**
0310810003 -- Cook County
Evanston Transfer Station
Compliance File

Dear Mr. Strong:

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 an inspection completed on July 19, 2007 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations, or permits as set forth in the attachment to this letter. The attachment includes 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 the attachment and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that 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.

RELEASABLE
AUG 21 2007
REVIEWER MD

If a timely written response to this Violation Notice is not provided, it shall be considered to be a waiver of the opportunity to respond and to meet provided by Section 31(a) of the Act, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

Written communications should be directed to:

Illinois EPA – Bureau of Land
Attn: Charles Grigalauski
9511 West Harrison Street, 3rd Floor
Des Plaines, Illinois 60016

All communications must include reference to your **Violation Notice L- 2007-01271**. If you have questions regarding this matter, please contact Donna Czech at 847/294-4067.

Sincerely,

Charles T. Grigalauski, Regional Manager
Field Operations Section
Bureau of Land

CTG:DJC:kp:Strong.ltr.4

Enclosure

cc: Bureau of Land File
Des Plaines Region
DLC

ATTACHMENT A

1. Pursuant to Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation:

    1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder...

    2. In violation of any regulations or standards adopted by the Board under this Act.

    This subsection (d) shall not apply to hazardous waste.

    A violation of Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)) is alleged for the following reason: **The operator was conducting a waste-storage operation in violation of conditions of the facility's operating permit. For specific permit conditions, see items 2 and 3 below.**

2. Pursuant to Supplemental Permit No. 2005-440-SP, Condition No. A.8: "At the end of each day of operation, all waste shall be removed from the tipping floor. The tipping floor shall be swept to remove all waste. Waste may be left at the site overnight, however, it shall be in a covered container or waste collection vehicle. No waste shall remain at the site when the site is not scheduled to be open the following day. All containers and other equipment shall be cleaned at the end of each operating day."

    A violation of Supplemental Permit No. 2005-440-SP, Condition No. A.8 is alleged for the following reason: **Dumpsters containing solid waste were observed in the facility's yard south of Church Street. The solid waste observed in the dumpsters included refuse, landscape waste and construction/demolition debris. Many of the dumpsters were stored open and contained rain water. It appeared that the dumpsters had been stored on site for several days at a minimum.**

3. Pursuant to Supplemental Permit No. 2005-440-SP, Condition No. A.16: "The facility shall be operated to prevent problems with odors and vectors; however, if there is odor leaving the facility vector problems at the facility, the operator shall take necessary actions to minimize and/or eliminate the problem."

A violation of Supplemental Permit No. 2005-440-SP, Condition No. A.16 is alleged for the following reason: **Odors have apparently been leaving the facility as reported by the Complainant. Open containers (dumpsters) of solid waste including refuse, landscape waste and construction/demolition debris have been stored at the site overnight for an undetermined period of time, possibly contributing to the odor problem.**

SUGGESTED RESOLUTIONS

1. **Immediately cease storing solid waste in open containers overnight. Any waste stored overnight must be in a covered container or in a waste collection vehicle. Any waste stored on site overnight must be processed through the transfer station on the following day. No waste may be stored on site over any non-operating day. All containers that have been used to store waste must be cleaned at the end of each operating day.**

2. **The operator should submit a written statement to the Agency describing any additional proposed corrective actions that would minimize the problem of nuisance odors and dust leaving the facility. This statement, along with a proposed schedule for implementing the corrective actions, should be submitted to the Agency's Des Plaines office within 30 days of the date of this letter.**

3. **A follow-up inspection will be conducted by the Agency after the 30-day deadline to verify that solid waste is no longer being stored on site for several days in open containers. In addition, any recently implemented corrective actions intended to control nuisance odors will be observed and/or discussed.**

The written response to this Violation Notice (VN) letter 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 VN. The written response must include a proposal that commits to specific remedial actions, includes specific times for achieving each commitment and may include a statement that compliance has been achieved.

MEMORANDUM

DATE: 8-7-07

TO: BOL Division File

FROM: Donna Creech

SUBJECT: 0310810003 Cook County

Compliance File
Certified Mail Receipt for:#
Dated /VN #L-

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Sent To: Onyx Services
Street, Apt. No.; or PO Box No.: 2800 Shermer
City, State, ZIP+4: Northbrook IL, IL 60062

7003 3110 0000 4254 8204

PS Form 3800, June 2002 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Onyx Services Midwest, Inc.
attn: Raymond Strong
2800 Shermer Road
Northbrook, IL 60062

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name): Felicia Willox
C. Date of Delivery: 8-3-07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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I.E.P.A.
9511 W. Harrison st.
Des Plaines, IL 60016

AUG 07 2007

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DES PLAINES OFFICE

D.J.C.

563