

- 1 Inspection Report dated December 6, 2022
- 2 Evaluation Report dated October 20, 2020
- 3 Complaint Investigation Form dated October 13, 2020
- 4 March 13, 2023, Violation Notice – L-2023-00068
- 5 April 18, 2022, Violation Notice – L-2022-00087
- 6 April 18, 2022, Violation Notice – L2022-00088
- 7 April 7, 2021, NIPLA
- 8 March 22, 2021, NIPLA
- 9 January 12, 2021, Violation Notice – L2020-0316
- 10 December 22, 2020, Violation Notice – L202-00316

FILED
McLEAN COUNTY, ILLINOIS

DEC 01 2023

Kathy Michael
COUNTY CLERK

Illinois Environmental Protection Agency

Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID	1138045002	Evaluation Date	12/6/2022
USEPA Id		Region	Champaign
Site Name	Henson Bloomington Recycling Ctr.	County	McLean
Address	2148 Tri Lakes Rd.	Phone	309-829-5021
City/State/Zip	Bloomington, IL 61704	EJ Status	
Limited English	<input type="checkbox"/>	Primary Language	

Observations

Time	0930-1130
Weather Conditions	Overcast and fog
Temperature	41 Fahrenheit
Photos Taken	Yes
Samples Collected	No

Evaluation Type

Solid Waste Program - GCDD Recycling Site Inspection

Owner

Henson Disposal Inc
Attn: Kirk Tom
705 N E St
Bloomington, IL 61702

Operator

Henson Bloomington Recycling Ctr
Attn : Kirk Timothy
2148 Tri Lakes Rd
Bloomington, IL 61704

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Michael Mullins	IEPA FOS Primary Inspector	(217) 278-5819

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Kirk, Tom	309-829-5021	kirkdemolition@yahoo.com
Hatfield, Blake		

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
	Solid Waste: 2011-089-DE/OP dtd 07/19/2011				

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

APR 19 2023

REVIEWER: SAB

Active Enforcement Orders

CACO
NONE

Consent Decree

CAFO

IPCB

Federal Court

State Court

Executive Summary

I inspected this permitted and active construction and demolition debris recycling center that also recycles landscape waste on December 6, 2022. The purpose was to determine the site's compliance with solid waste landfill portions of the Illinois Environmental Protection Act, the Title 35 Illinois Administrative Code regulations, and the site's Illinois EPA-issued permit, 2011-089-DE/OP. I inspected in accordance with authority granted under Section 4(c) and 4(d) of the Environmental Protection Act and Standard Condition 4 of the site's permit.

Violations were noted during this inspection. Alleged violations include accepting and point source discharging an unknown liquid to the environment, the unpermitted filling of a borrow pit, acceptance of special waste, open dumping of wind-power turbine blades and excessive litter on and off-site.

Evaluation Narrative

I conducted a non-scheduled permitted facility inspection starting at 9:30 a.m. on December 6, 2022. I started my inspection at the landscape waste/brush area. Upon arrival I was met by Joe Bober, equipment operator, who assisted me during the landscape waste area inspection. Joe and another worker were processing brush into mulch. The holding area was observed about 2/3 full of brush and processed shredded brush (photos 1-2). Brush still comes primarily from private individuals and tree/landscape companies. The City of Bloomington had terminated its contract and no longer disposes of brush at this facility. One noted difference in the brush was the absence of litter. Joe said the landscape companies bring clean brush for processing.

The tub grinder was observed on the south side of the site and operating. The trommel screen was also just east of the processed piles and appeared to have been recently operating. Most of the processed material was going to mulch processors to dye and sell to users as mulch. Joe said a recent order from a truck stop of 600 cubic yards was a big order. The facility normally processes daily.

My second area to inspect was the construction & demolition debris waste facility on the northern part of the property. Upon arrival I went to the scale house where I met Derek, scale operator. I let him know I was there and ask who was on-site at that time. Derek said that Blake Hatfield was somewhere, and owner Tom Kirk was on-site with a tour. On the scale was a tandem dump truck from City of Bloomington with a load of soil with litter. I asked Derek what the "city" was bringing to the facility and his response was "spoils", I quickly asked for clarification of what "spoils" are and Derek said it is from when a water main breaks or a sewer must be dug up. The soil, rock, sand, litter, broken pipe and anything else that would be excavated would be the "spoils". I was aware of that waste and in the days when Bloomington had a landfill, it went directly to the landfill. I later followed a dump truck to where they dumped the "spoils", and it was on the banks of the lake (photos 18-22). I recall when Tri-lakes had three lakes, today I only noticed one that appeared a fill operation to remove the last lake.

The receiving area had a few days of volume to be processed (photos 11-12). Several workers were observed handling and processing waste being received.

As I walked through the receiving area and noticed a semi-trailer leaking a white liquid (photos 5-10). It appeared that a worker was using an excavator to place wastes into the trailer. No one knew what the liquid contained. The flow was a steady stream of white liquid, and I followed the flow to the ditch (stormwater ditch) between the Kirk Property and

Roanoke Concrete (photo 6). The stormwater ditch flowed to the south and was full of litter.

Observed to the south of the receiving area was a large pile of waste wood. A large volume of the waste wood appeared to be broken pallets and dimensional lumber with some utility poles (photos 14,16, 17). Also observed in the wood waste area was some wind turbine blades (photo 15) that have been there a few years. These items do not appear to be Construction and Demolition Debris (C&D).

Observed southeast of the receiving area was a large pile of broken concrete (photo 23). I then walked along Tri-Lakes Road toward the entrance of the property (photo 24). Tri-Lakes Road is no longer passable due to the extension of processing equipment that is on or going across the roadway. Along Tri-Lakes Road was a lot of litter on the ground (photos 25-26) and in the ditch and culvert (photo 27).

As I was preparing to leave the facility, I walked past the receiving area and observed an Area Disposal Roll-off truck unloading a roll-off that appeared to be hauling an industrial process waste in the form of air filters and packing material for the filters (photos 28,29).

I then met with Tom Kirk, Owner and Blake Hatfield, Operations Manager about what I observed. I asked about the liquid leaking from the trailer. Tom said he did not know what it was and implied that it was okay because all liquids on the facility are collecting in a retention basin on the property. I inquired if the facility had any requirements to maintain water quality standards for any water leaving the property and the response was that the facility was supposed to do water sampling. The leaking trailer would be a point source discharge and not covered by general stormwater permit as the waste would not be stormwater. I did not follow the ditch and contaminant in the ditch to the pond. When interviewing Tom Kirk, he stated that the ditch goes to a pond and the water and whatever is in the water remains on-site and was approved by IEPA Water Pollution Section. The point of discharge and the pond was approximately 1000 feet apart as determined by photo interpretation.

I asked Tom about the wood wastes in the large piles to the south. Tom said that the waste was from Rivian and several truck loads were received each day. The wood was from pallets and packing materials that Rivian receives parts in. Tom said that he had no formal agreements with Rivian and that Rivian could increase the volume or cease bring the waste without notice with no agreements.

I informed Tom that I observed a lot of litter outside the facility and in the ditches and culverts. Tom said that they would clean-up the area. I then pointed out that the current operation was outside the permitted boundaries in the 2011 permit. Tom said that he was informed by his consulting company that it had been taken care of.

I inquired with Tom about accepting waste "spoils" from the City of Bloomington and the filling in of the lakes. Tom said that his consultant told him about three years ago that approval had been given to fill the lakes. Tom also indicated that he was no longer filling the lakes. I did call an IEPA inspector who has knowledge of "soil fill" operations and no knowledge of anyone in the Tri-lakes area having such approval or even an application requesting approval. Based on aerial photos and timing, the ponds at Tri-Lakes were borrow pits for soils building the overpass(s) for Veterans Parkway to the north of the site.

I asked Tom about operating outside the permitted boundaries of the permit. Tom said that his consultant had informed him that the issue was resolved several years ago. I explained to Tom that the 2011 was the most recent permit granted and it included a six-acre footprint.

The last area that I looked at was the property west of Tri-Lakes Road and near the entrance. A large pile of waste had accumulated in that area that appears to be outside of the permitted area of the facility (photo 31). I observed a City of Bloomington tandem dump truck tracking mud from the site onto Bunn Street (photo 32).

This facility has continued to expand over the years that it has been in operation. The permitted footprint was for 6.16 acres, as shown in the diagram sketch from 2011, in the permit application. Tracts 2,3,4 show what was proposed at the site and those tracts make up about 5.99 acres of the 6.16 acres permitted. The facility was using about 34.1 acres in

2022. The facility permit, supplemental permits have not kept up with the expansion and the facility currently operates outside the permitted boundaries.

Suggested resolutions for alleged violations.

- 1) Request a significant modification to existing permit for actual space, acres and/or area actually being used for the facility. Cease and desist use of additional space until granted in a permit.**
- 2) Cease and desist the point source discharge of fluids and contaminates to Waters of the United States. Design and install a permitted leachate collection system for leachate generated as part of doing business at this facility.**
- 3) Develop and implement a training program for all employees to the rules, procedures and proper handling of wastes and recyclables.**
- 4) Development and implement a load checking program that includes all necessary steps and records for wastes and recyclables handled.**
- 5) Cease and desist accepting regulated soils until a permit is obtained from the Illinois EPA.**
- 6) Do not modify, fill in or change a borrow pit without permit for the Illinois EPA.**
- 7) Implement a litter control program that may include fences, berms, closed top containers and picking up of strewn items.**
- 8) Cease and desist accepting wastes that are not allowed in the permit until proper permitting is granted.**

Summary of Apparent Violation(s)

Status	Date	Violation	Narrative
New	12/6/2022	1100.201(a)	Conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board
New	12/6/2022	1100.201(b)	CCDD fill operations must not accept waste for use as fill.
New	12/6/2022	1100.201(d)	No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(1)]
New	12/6/2022	1100.205(a)(1)	Did not for all soil, including soil mixed with CCDD, obtain: a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part, and the soil pH is within the range of 6.25 to 9.0.
New	12/6/2022	1100.205(a)(2)	Fail to obtain certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and must provide, at a minimum: A) For source site owners or source site operators who certify under subsection (a)(1)(A), the form must provide, at a minimum: i) Description of the current and past uses of the site where the soil originated, giving consideration to, but not limited to: use of the site for commercial or industrial purposes; presence of any storage tanks (aboveground or underground) being located on the site; use of the site for waste treatment or disposal; any governmental notification of environmental violations pertaining to the site; any contamination in any private wells on site that exceeds the Board's groundwater quality standards; any transformers or capacitors manufactured before 1979 being used, stored, or disposed of on the site; and any fill dirt used at the site from either an unknown source or a site; ii) Soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0; iii) A certification using the following language: In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I _____ (owner or operator of source site) certify that this site is not a potentially impacted property and the soil is presumed to be uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. Additionally, I certify that I am either the site owner or site operator or a duly authorized representative of the site owner or site operator and am authorized to sign this form. Furthermore, I certify that all information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete. B) For PE or PG who certify under subsection (a)(1)(B), the following language: I _____ (name of licensed professional engineer or geologist) certify under penalty of law that the

			information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete. In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I certify that the soil from this site is uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. All necessary documentation is attached.
New	12/6/2022	1100.205(a)(3)	Fail to confirm and document that the CCDD or uncontaminated soil was not removed from a site as part of a cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a Closure or Corrective Action under the Resource Conservation and Recovery Act, as amended, or under an Agency remediation program, such as the Leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of the Act when there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, or from the real property.
New	12/6/2022	1100.205(a)(4)	Did not conduct testing to determine that the soil is uncontaminated or obtain documentation to show that the soil was tested in accordance with the requirements of Subpart F of this Part.
New	12/6/2022	1100.205(b)	Did not conduct routine inspections of every load before its acceptance at the facility with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector.
New	12/6/2022	1100.205(b)(1)(A)	An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit.
New	12/6/2022	1100.205(b)(1)(B)	Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility
New	12/6/2022	1100.205(b)(3)	Fail to document Inspection Results: The documentation for each inspection must include, at a minimum, the following: A) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil; B) The results of the routine inspection required under subsection (b)(1) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; C) The results of any random inspection required under subsection (b)(2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and D) The name of the inspector.
New	12/6/2022	1100.205(b)(4)	Rejection of Loads A) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:

			<p>i) That only CCDD or uncontaminated soil is accepted for use as fill at the facility; ii) The reasons for rejections of the load, that the material must not be taken to another fill operation, except as provided in subsection (b)(4)(A)(iv) or the material must be disposed of at a permitted landfill; iii) That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; and; iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a)(5) are satisfied</p>
New	12/6/2022	1100.210	<p>The owner or operator failed to maintain an operating record at the facility or in some alternative location specified in the Agency permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following: a) Any information submitted to the Agency pursuant to this Part, including, but not limited to, copies of all permits, permit applications, and annual reports; b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205 of this Part.</p>
New	12/6/2022	1150.110	<p>Copies of all records required to be kept under this Part shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.</p>
New	12/6/2022	1150.200(a)	<p>The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation.</p>
New	12/6/2022	1150.300	<p>Section.1150.300 Quarterly Submission of Payment a) Payment of the fee due under Section 22.51b of the Act must be made on a quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. b) The fee payment due must be calculated by multiplying the quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, as reported on the Quarterly Fill Summary, times the applicable rate in Section 22.51b of the Act.</p>
New	12/6/2022	12(a)	Cause, threaten or allow water pollution in Illinois
New	12/6/2022	12(d)	Create a water pollution hazard
New	12/6/2022	12(f)	Cause, threaten or allow discharge without or in violation of an NPDES permit
New	12/6/2022	21(a)	Cause or allow open dumping
New	12/6/2022	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	12/6/2022	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act

New	12/6/2022	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	12/6/2022	21(p)(4)	Cause or allow open dumping of any waste in a manner which results in deposition of waste in standing or flowing waters
New	12/6/2022	21(p)(6)	Cause or allow open dumping of any waste in a manner which results in standing or flowing liquid discharge from the dump site
New	12/6/2022	22.51(a)	Conduct any clean construction or demolition debris fill operation in violation of the Act or any regulations
New	12/6/2022	22.51(g)(1)	No person shall use soil other than uncontaminated soil as fill material at a clean construction or demolition debris fill operation.
New	12/6/2022	809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest
New	12/6/2022	PC: #1	The construction-demolition debris recycling consists of 6.16 acres on the east and west sides of 2148 Tri Lakes Road, Bloomington, more particularly described in the application. The operator shall not cause or allow the modification to the design or operation of this facility or accept any type of debris for recycling except as authorized in a permit issued by the Illinois EPA.
New	12/6/2022	PC: #3	There be no deviations from the approved plans and specifications unless a written request for modification has been submitted to the Illinois EPA and a supplemental written permit has been issued.
New	12/6/2022	PC: #9	The facility shall be designed, constructed, operated and maintained to prevent litter and other debris from leaving the facility property. Facility features (e.g., windbreaks, fencing, netting, etc) shall be among the measures considered to ensure that the debris does not become wind strewn and no other provisions of the Act are violated.

Attachment Listing

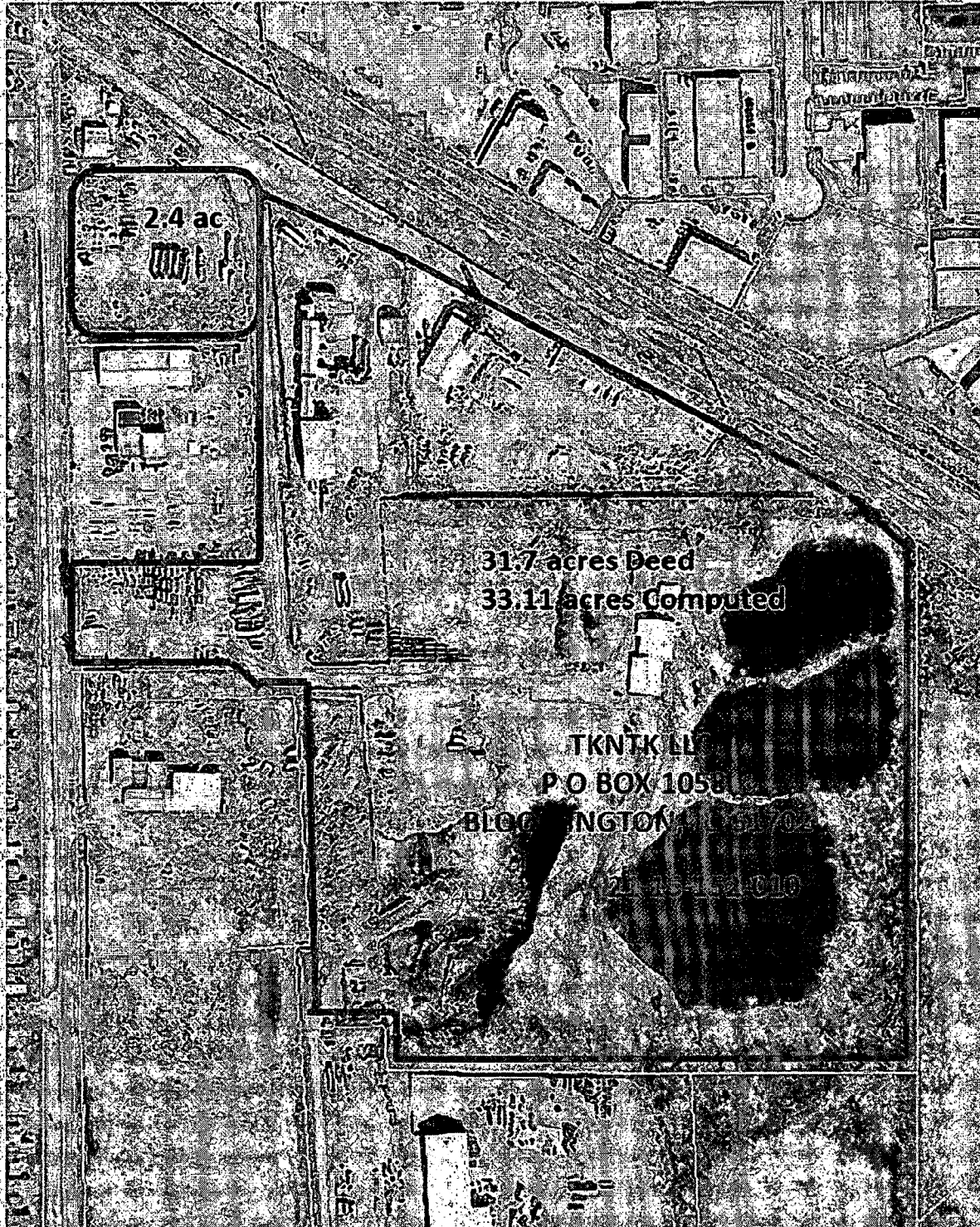
Type	Description
NONE	

Site Diagram

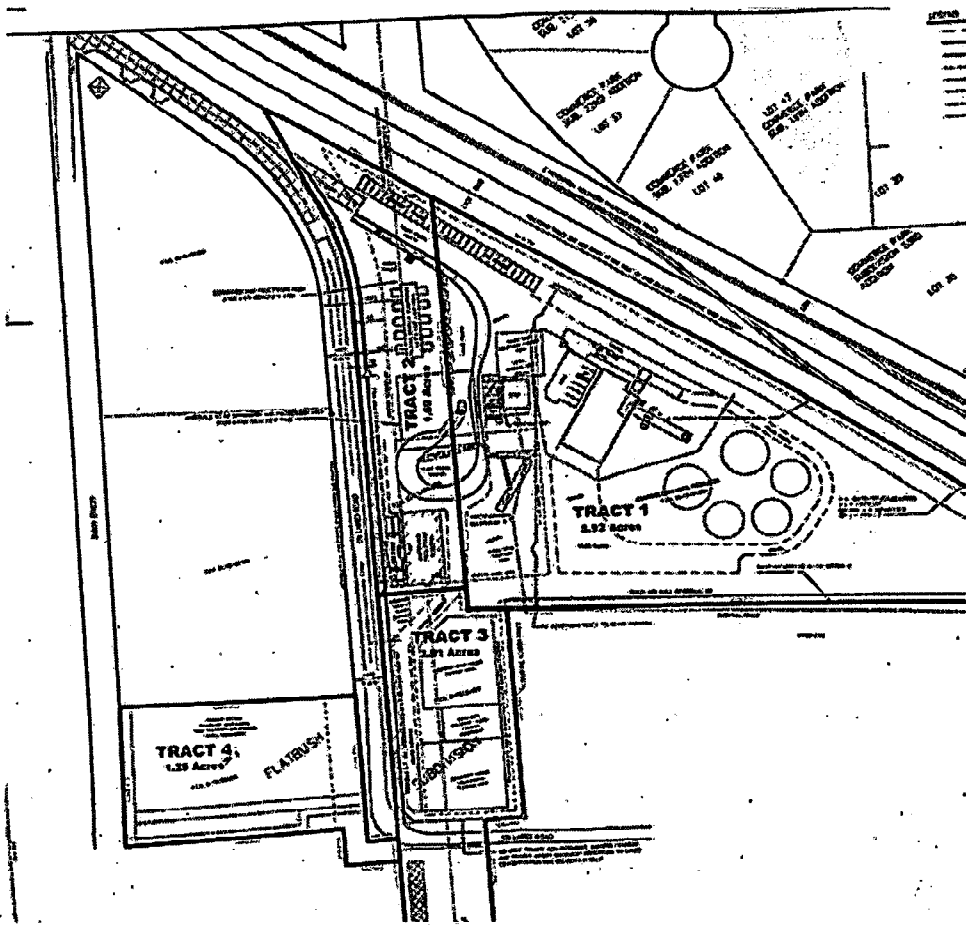


2011 operational footprint

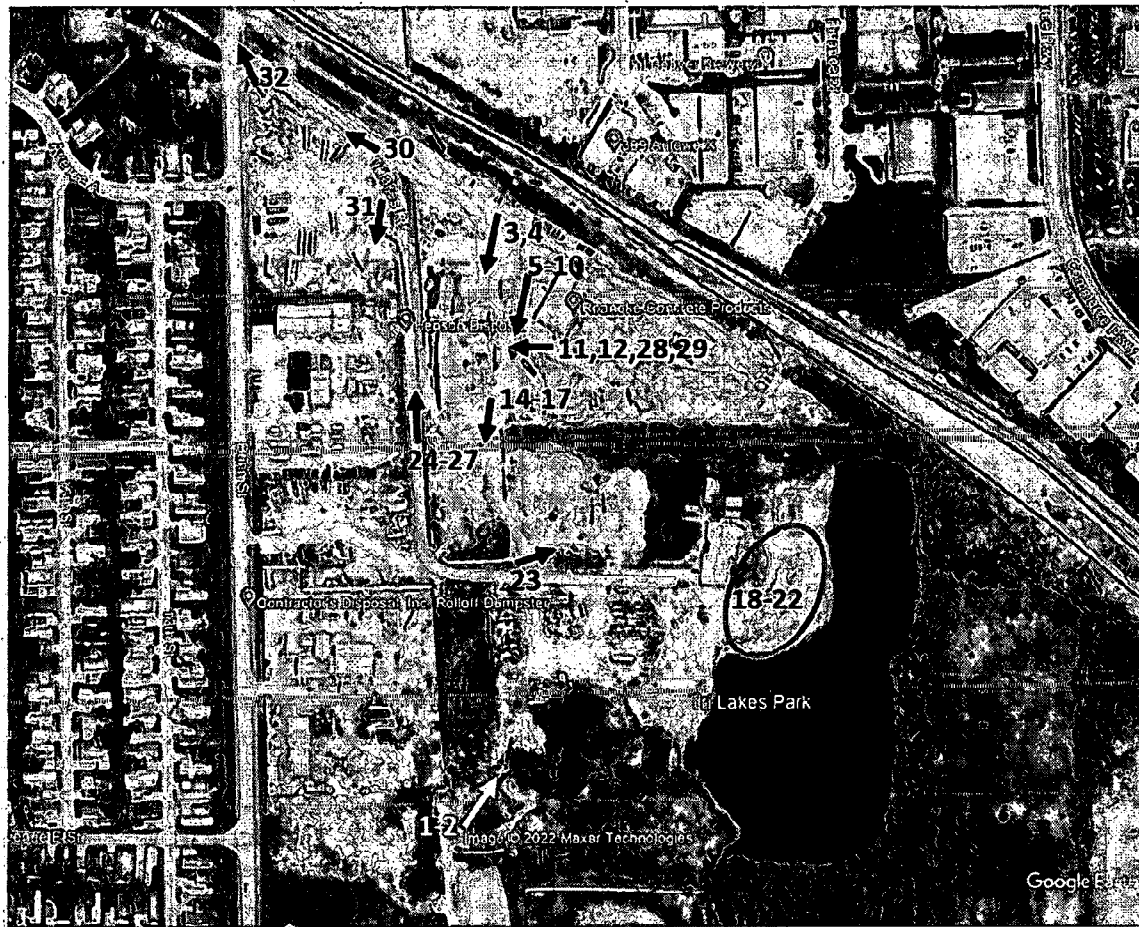
Site Diagram



Site Diagram



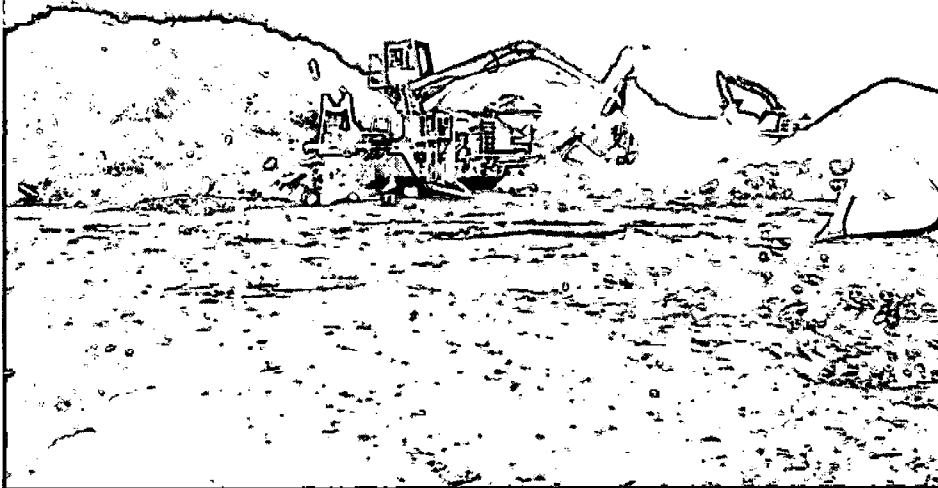
Site Diagram



Digital Photographs

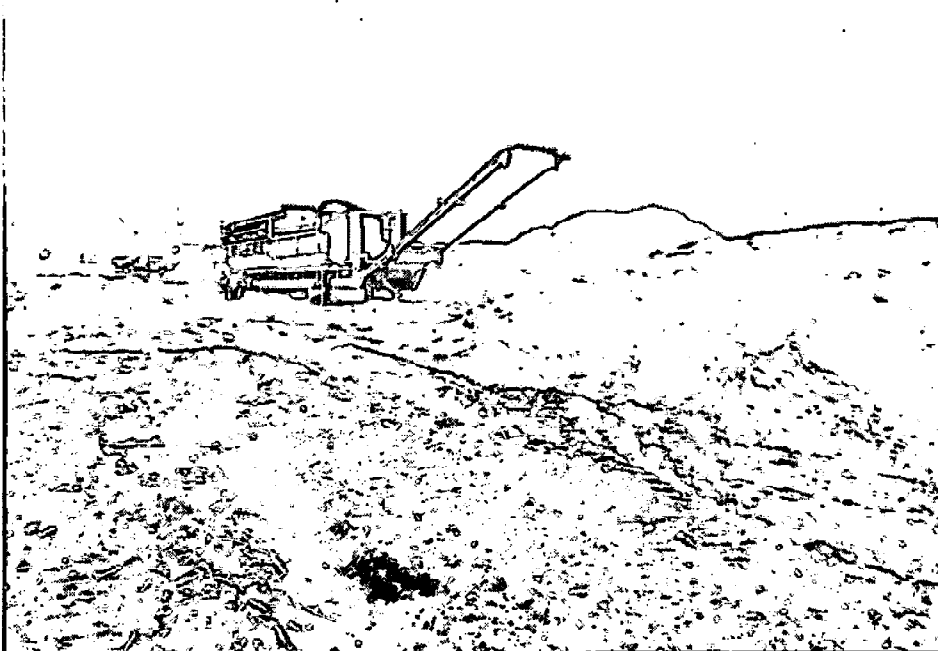
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Photo No.: 1
Photo Date: 12/6/2022
Photo Time: 9:53:22 AM
Direction: Northeast
Taken By: Michael Mullins

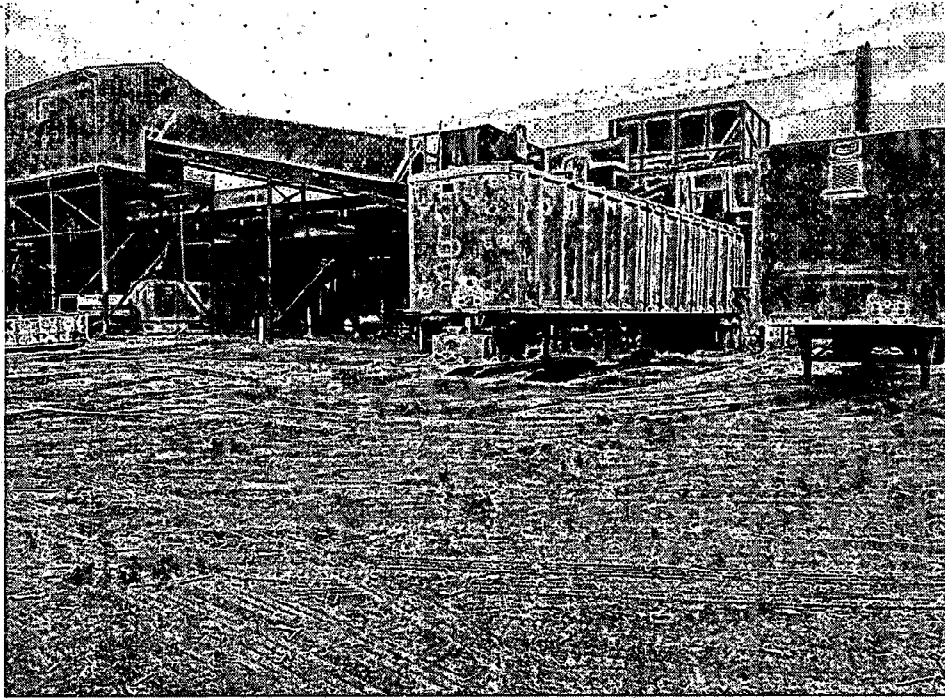
Processing brush into mulch



Bureau Id: 1138045002
Photo No.: 2
Photo Date: 12/6/2022
Photo Time: 9:54:52 AM
Direction: Northeast
Taken By: Michael Mullins

Trommel screen for mulch





Bureau Id: 1138045002
Photo No.: 3
Photo Date: 12/6/2022
Photo Time: 10:08:13 AM
Direction: Southwest
Taken By: Michael Mullins

C&D Recycling area



Bureau Id: 1138045002
Photo No.: 4
Photo Date: 12/6/2022
Photo Time: 10:08:16 AM
Direction: South
Taken By: Michael Mullins

C&D Recycling area



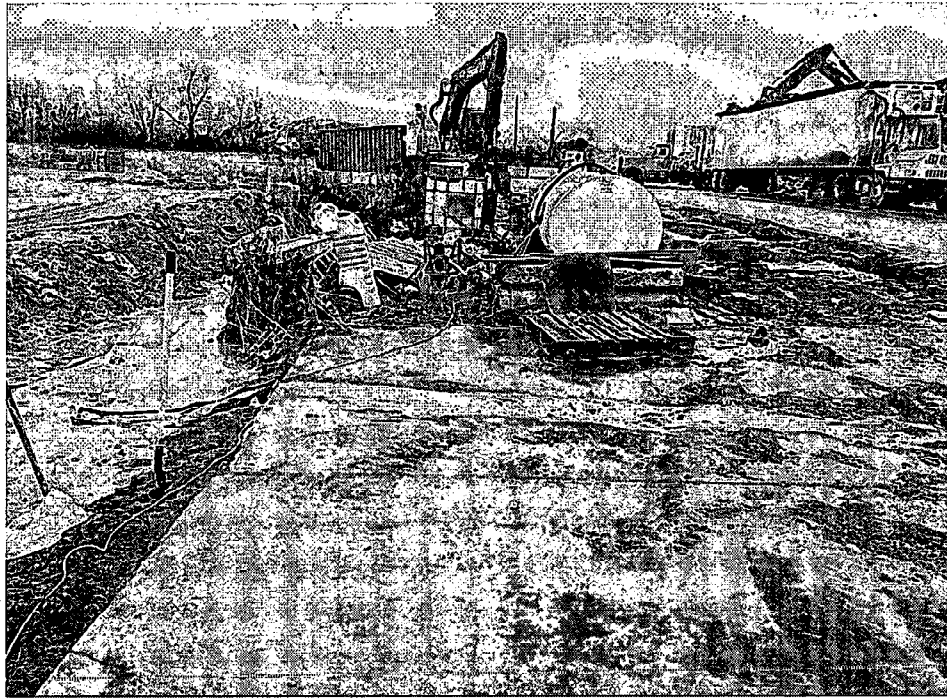
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Photo No.: 5
Photo Date: 12/6/2022
Photo Time: 10:08:55 AM
Direction: Southeast
Taken By: Michael Mullins

White liquid going into drainage ditch



Bureau Id: 1138045002
Photo No.: 6
Photo Date: 12/6/2022
Photo Time: 10:09:19 AM
Direction: East
Taken By: Michael Mullins

Drainage ditch with unknown liquid and litter



Bureau Id: 1138045002
Photo No.: 7
Photo Date: 12/6/2022
Photo Time: 10:09:22 AM
Direction: South
Taken By: Michael Mullins

Drainage ditch with unknown liquid and litter



Bureau Id: 1138045002
Photo No.: 8
Photo Date: 12/6/2022
Photo Time: 10:09:56 AM
Direction: South
Taken By: Michael Mullins

Unknown liquid in receiving area



Bureau Id: 1138045002
Photo No.: 9
Photo Date: 12/6/2022
Photo Time: 10:10:05 AM
Direction: South
Taken By: Michael Mullins

Source of unknown liquid, a Henson semi-trailer



Bureau Id: 1138045002
Photo No.: 10
Photo Date: 12/6/2022
Photo Time: 10:10:32 AM
Direction: West
Taken By: Michael Mullins

Source of unknown liquid, a Henson semi-trailer

Bureau Id: 1138045002
Photo No.: 11
Photo Date: 12/6/2022
Photo Time: 10:10:55 AM
Direction: West
Taken By: Michael Mullins

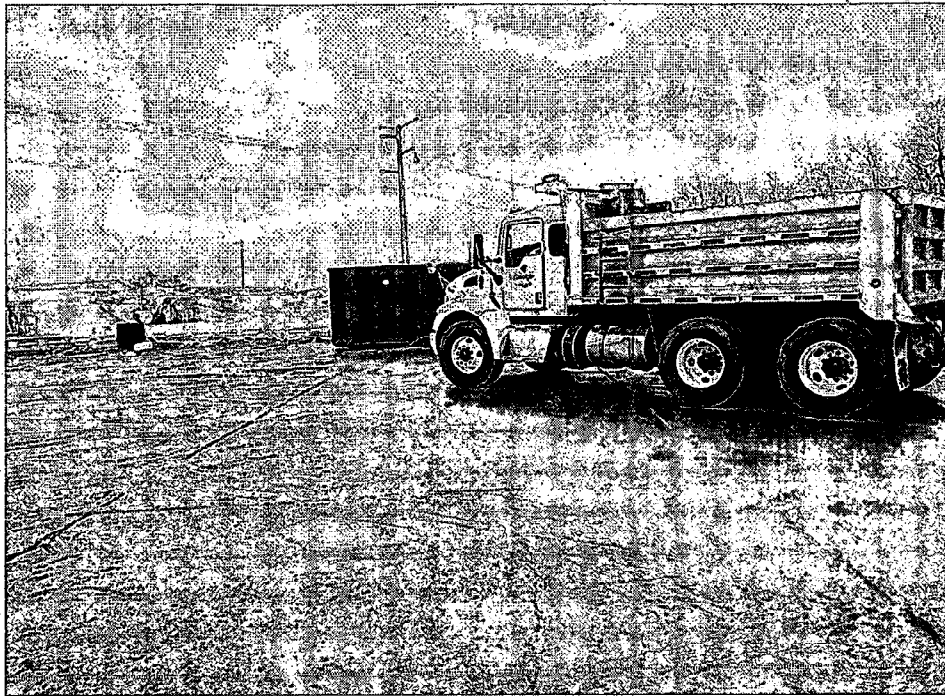


Receiving area

Bureau Id: 1138045002
Photo No.: 12
Photo Date: 12/6/2022
Photo Time: 10:10:58 AM
Direction: Southwest
Taken By: Michael Mullins



Receiving area



Bureau Id: 1138045002
Photo No.: 13
Photo Date: 12/6/2022
Photo Time: 10:11:13 AM
Direction: East
Taken By: Michael Mullins

Bloomington dump truck



Bureau Id: 1138045002
Photo No.: 14
Photo Date: 12/6/2022
Photo Time: 10:11:28 AM
Direction: South
Taken By: Michael Mullins

Chipped wood and litter

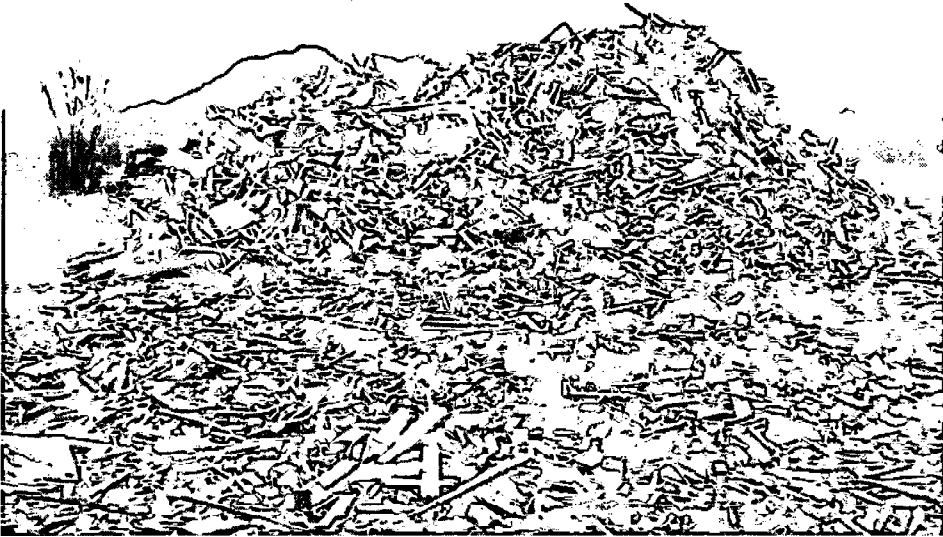
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Photo No.: 15
Photo Date: 12/6/2022
Photo Time: 10:14:46 AM
Direction: West
Taken By: Michael Mullins

Wind turbine blades, not C&D



Bureau Id: 1138045002
Photo No.: 16
Photo Date: 12/6/2022
Photo Time: 10:15:17 AM
Direction: South
Taken By: Michael Mullins

Chipped wood



Bureau Id: 1138045002
Photo No.: 17
Photo Date: 12/6/2022
Photo Time: 10:16:38 AM
Direction: South
Taken By: Michael Mullins



Waste wood area

Bureau Id: 1138045002
Photo No.: 18
Photo Date: 12/6/2022
Photo Time: 10:19:11 AM
Direction: Southeast
Taken By: Michael Mullins



Soil on the bank of Tri-lake



Bureau Id: 1138045002
Photo No.: 19
Photo Date: 12/6/2022
Photo Time: 10:19:14 AM
Direction: East
Taken By: Michael Mullins

Tri-lake



Bureau Id: 1138045002
Photo No.: 20
Photo Date: 12/6/2022
Photo Time: 10:19:17 AM
Direction: Southeast
Taken By: Michael Mullins

Soil and other waste on bank of Tri-lake



Bureau Id: 1138045002
Photo No.: 21
Photo Date: 12/6/2022
Photo Time: 10:19:21 AM
Direction: South
Taken By: Michael Mullins

Soil and other waste on bank of Tri-lake



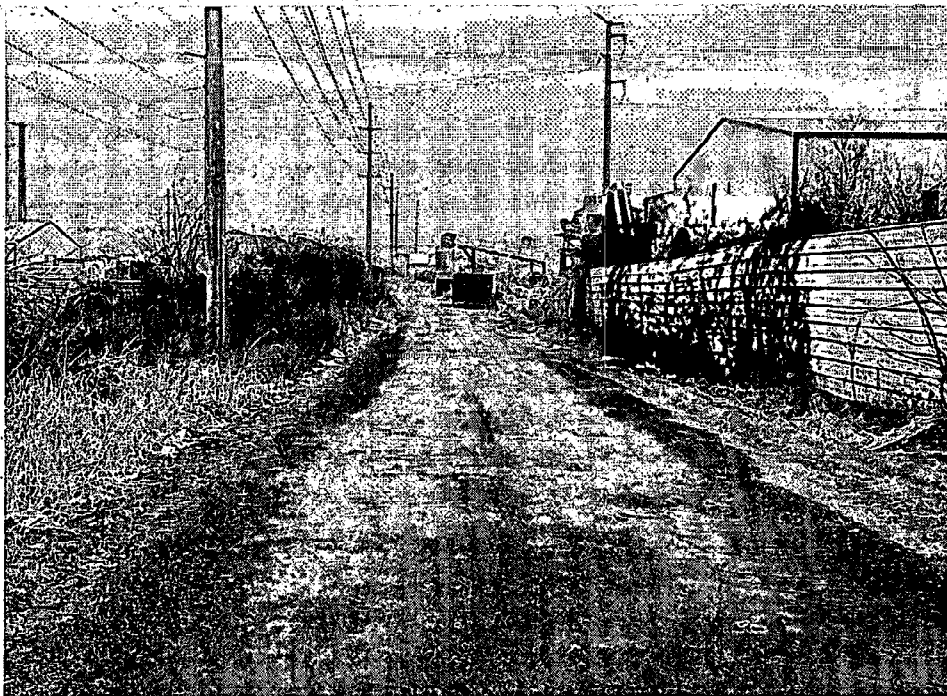
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Photo Date: 12/6/2022
Photo Time: 10:19:24 AM
Direction: South
Taken By: Michael Mullins

Soil and other waste on bank of Tri-lake



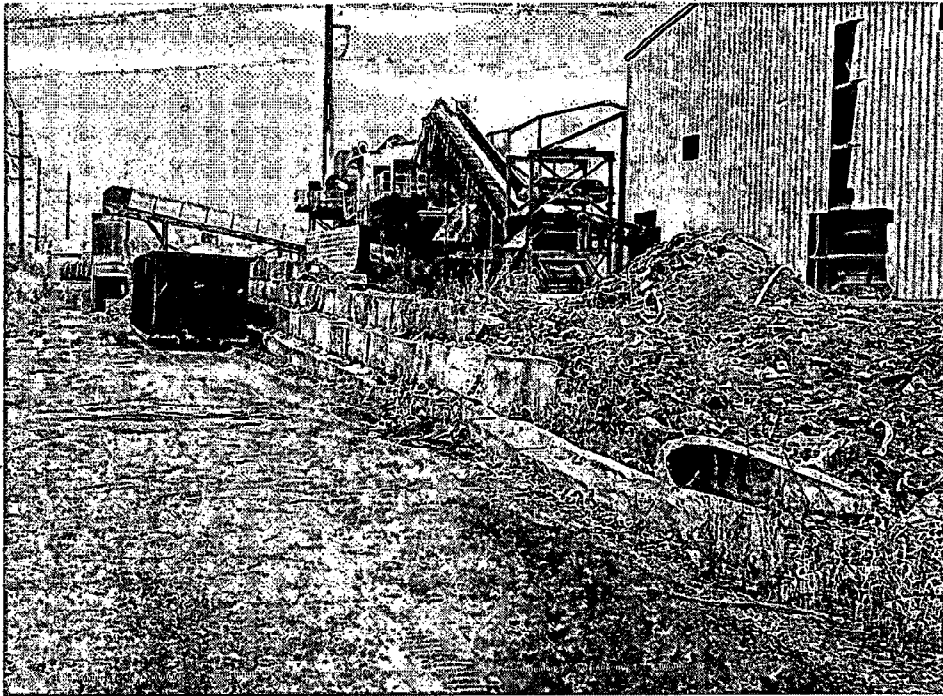
Bureau Id: 1138045002
Photo No.: 23
Photo Date: 12/6/2022
Photo Time: 10:21:15 AM
Direction: North
Taken By: Michael Mullins

Broken concrete



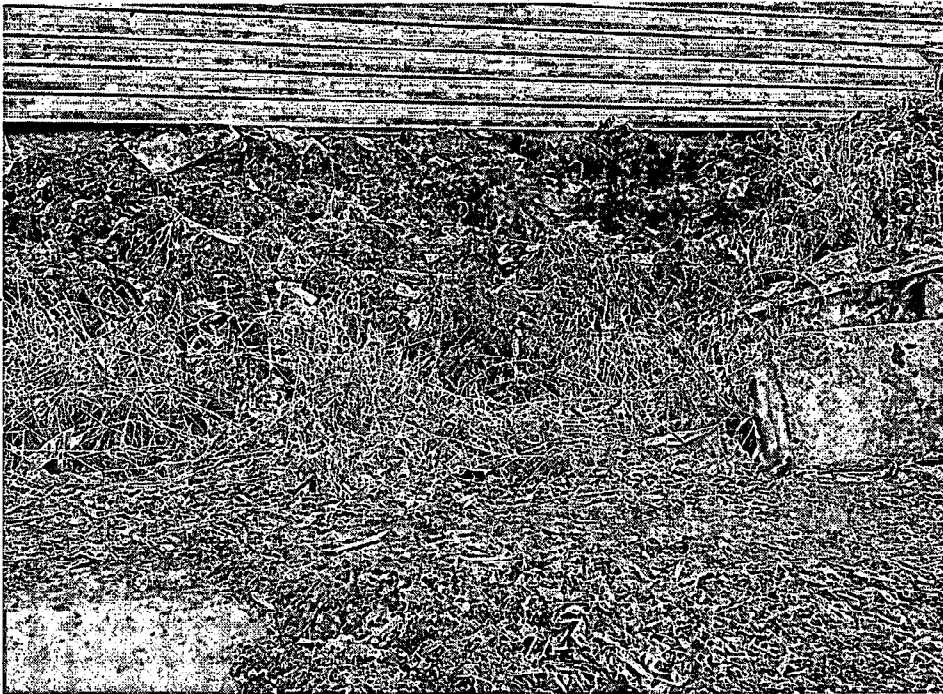
Bureau Id: 1138045002
Photo No.: 24
Photo Date: 12/6/2022
Photo Time: 10:22:40 AM
Direction: North
Taken By: Michael Mullins

Tri-lake Road



Bureau Id: 1138045002
Photo No.: 25
Photo Date: 12/6/2022
Photo Time: 10:23:25 AM.
Direction: North
Taken By: Michael Mullins

Tri-lake Road



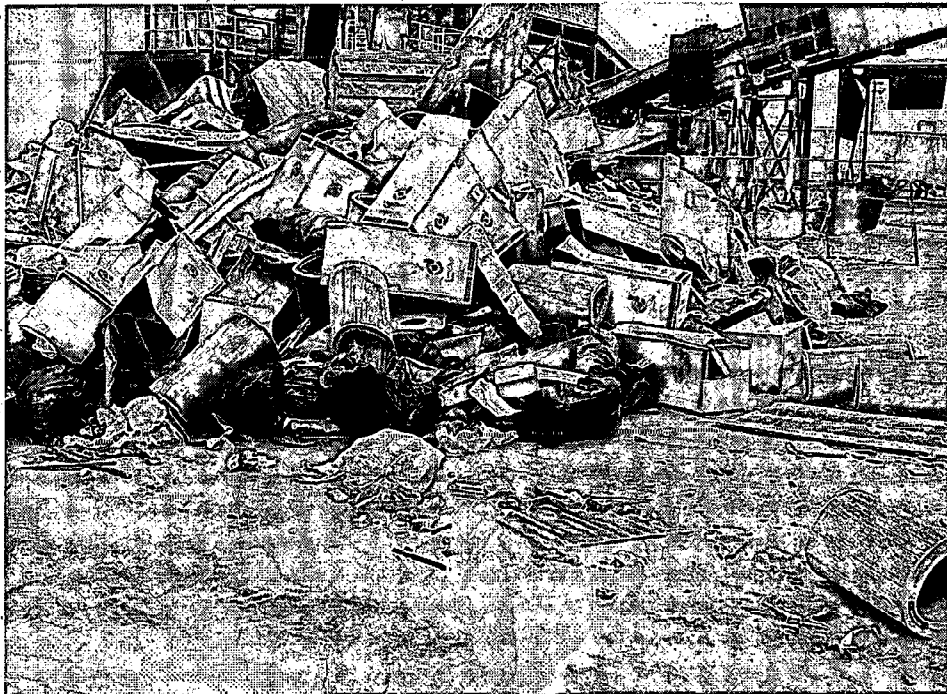
Bureau Id: 1138045002
Photo No.: 26
Photo Date: 12/6/2022
Photo Time: 10:24:47 AM
Direction: East
Taken By: Michael Mullins

Litter



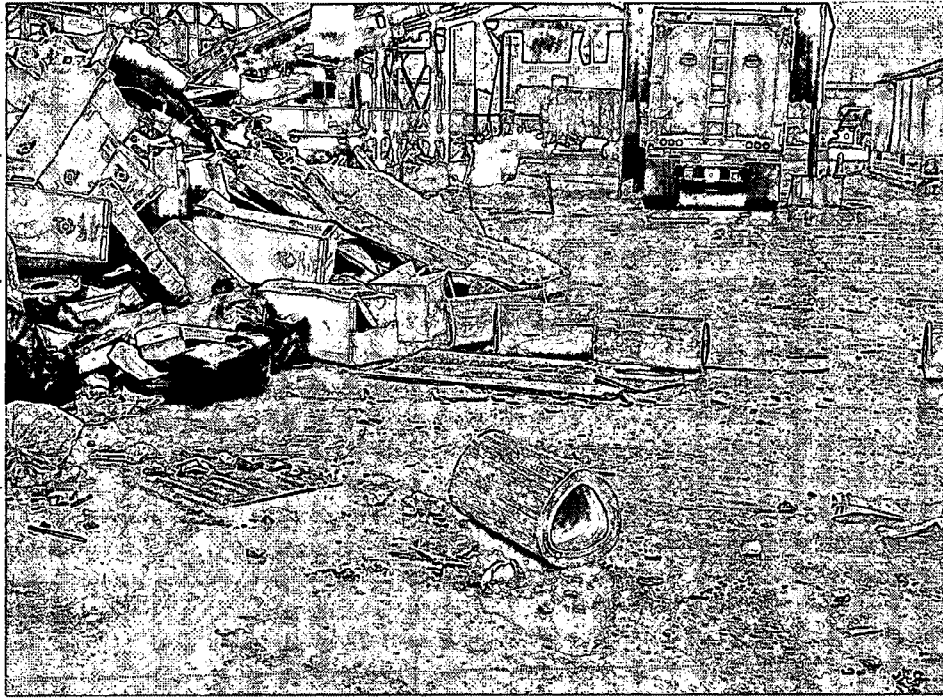
Bureau Id: 1138045002
Photo No.: 27
Photo Date: 12/6/2022
Photo Time: 10:25:43 AM
Direction: Down
Taken By: Michael Mullins

Litter in culvert along Tri-lake Road



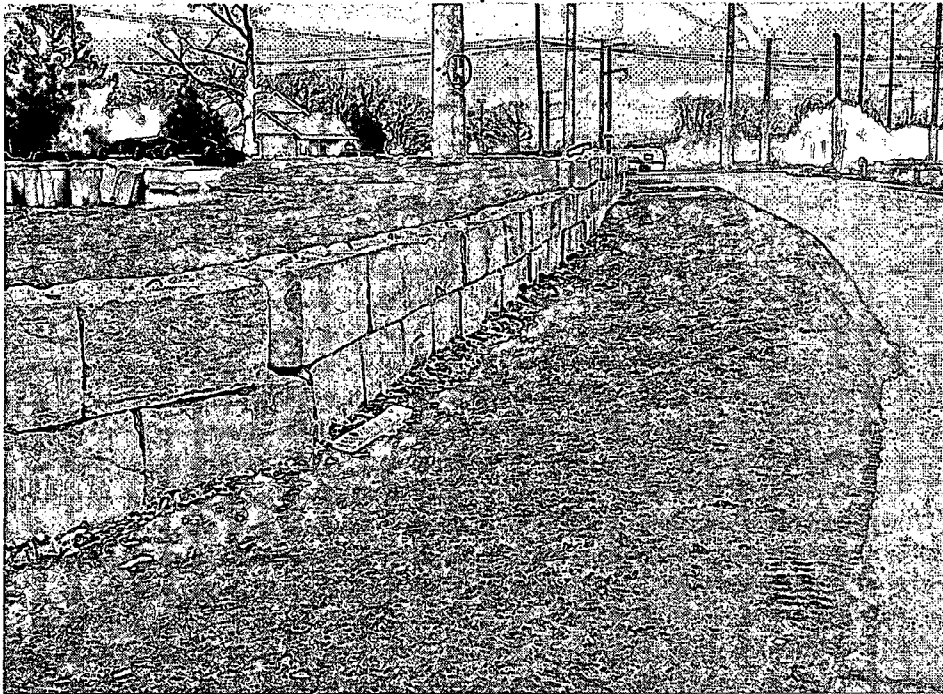
Bureau Id: 1138045002
Photo No.: 28
Photo Date: 12/6/2022
Photo Time: 10:27:12 AM
Direction: North
Taken By: Michael Mullins

Waste from a roll-off



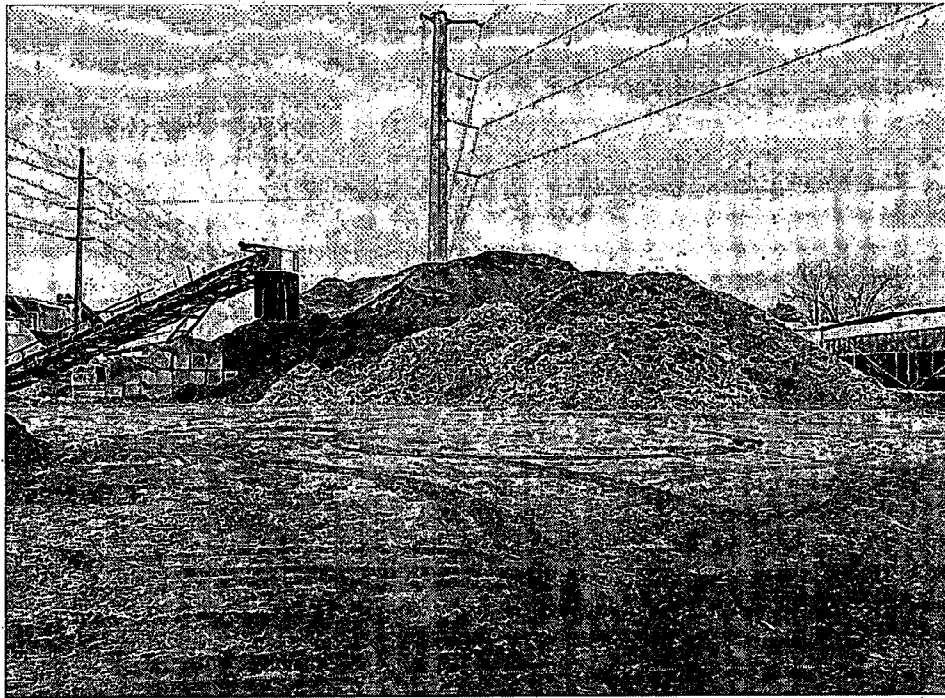
Bureau Id: 1138045002
Photo No.: 29
Photo Date: 12/6/2022
Photo Time: 10:27:16 AM
Direction: North
Taken By: Michael Mullins

Waste from a roll-off



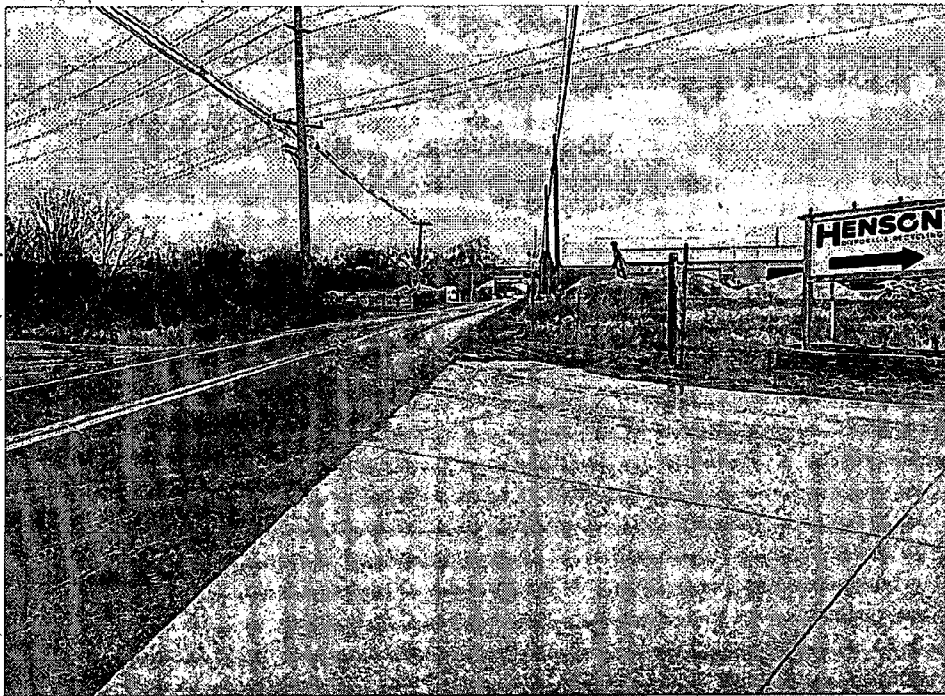
Bureau Id: 1138045002
Photo No.: 30
Photo Date: 12/6/2022
Photo Time: 11:31:07 AM
Direction: West
Taken By: Michael Mullins

Litter



Bureau Id: 1138045002
Photo No.: 31
Photo Date: 12/6/2022
Photo Time: 11:31:31 AM
Direction: South
Taken By: Michael Mullins

Waste storage



Bureau Id: 1138045002
Photo No.: 32
Photo Date: 12/6/2022
Photo Time: 11:36:02 AM
Direction: Northwest
Taken By: Michael Mullins

Mud tracking on roadway

Bureau of Land – Field Operations Section Evaluation Report

General Facility Information

BOL ID:	1138045002	Region:	Champaign
USEPA ID:	Not Applicable	County:	McLean
Site Name:	Henson Bloomington Recycling Ctr	Phone:	309-829-5021
Address:	2148 Tri Lakes Rd	Latitude:	40.45664
City/State/Zip:	Bloomington, IL 61704	Longitude:	-88.97974
Permit No(s):	Solid Waste: 2011-089-DE/OP dated 07/19/2011		
Regulated As:			
Operational Status:			

Owner	Operator
Henson Bloomington Recycling Ctr Tom Kirk 705 N E St Bloomington, IL 61702	Henson Bloomington Recycling Ctr Tom Kirk 2148 Tri Lakes Rd Bloomington, IL 61704

Evaluation Details

Evaluation Type	GCDD Recycling Site Inspection
Evaluation Date	10/20/2020
Inspector(s)	Mullins, Michael
Person(s) Interviewed	Pat Henson
Previous Inspection Date	5/15/2017

Observations

Time	1100-1215
Weather Conditions (Description)	Clear sky, dry soils
Temperature (°F)	55
Samples Collected (Yes/No)	No
Photos Taken (Yes/No)	Yes
Number of Tires (Count)	75

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

JAN 14 2021

REVIEWER: MED

Executive Summary

I inspected this permitted and active construction and demolition debris recycling center that also recycles landscape waste on October 20, 2020. The purpose was to determine the site's compliance with solid waste landfill portions of the Illinois Environmental Protection Act, the Title 35 Illinois Administrative Code regulations, and the site's Illinois EPA-issued permit, 2011-089-DE/OP. I inspected in accordance with authority granted under Section 4(c) and 4(d) of the Environmental Protection Act and Standard Condition 4 of the site's permit.

Apparent violations are cited for litter, pallets and lumber mixed with landscape waste and tires.

Evaluation Narrative

I conducted a non-scheduled permitted facility inspection starting at 11:00 a.m. on October 20, 2020 in conjunction with a complaint of garbage being stored at the site. I started my inspection at the landscape waste/brush area. Pat Henson, Manager, was on-site during this inspection. The holding area was observed about 2/3 full of brush and processed shredded brush (photos 1-5). Brush still comes primarily from the same customer, the City of Bloomington. City trucks were observed leaving the site upon arrival for the inspection. The tub grinder was observed on the north side of the site. The trommel screen was also just east of the processed piles and appeared to have been recently operating. Most of the processed material was going to mulch processors to dye and sell to users. Pat said that the demand for mulch was still high. The ground and screened mulch was being sold as soon as it was processed. I asked Pat about the pallets and said they come from brush customers and they drop them at the landscape site and don't take them to the C&D area so they only make one stop to off-load. I said that he was allowed to accept landscape waste at that location and the C&D site could take lumber and painted wood. Landscape waste and dimensional lumber are placed back into the economic mainstream (recycled) differently.

My second area to inspect was the construction & demolition debris waste facility on the northern part of the property. The recycling sort facility was processing during this inspection. The facility receives about 150-200 tons of general construction debris per day with a large volume coming from the Urbana facility. Trucks were unloading at the facility during my inspection. The facility was processing up to 300 tons per day. The sort process has two sort lines and that has increased the volume that could be handled. The higher density items (concrete, brick, and some wood) were being automatically sorted to go down the higher density sort line and all other items continued down the normal sort line. It was estimated that there was two or three days worth of un-processed material in a couple outside piles and in the receiving building (photos 9-10). I did not find any garbage and I also did not smell any garbage. I did observe a pile of tires (photo 11) that had been piled near the receiving building. Tires were not being placed in a covered container or building to prevent the accumulation of water. The number of tires may place the facility in a tire storage facility that they are permitted as a storage site.

Along the west side of the sort facility was residue of broken wind power generator blades. The blades were mostly fiberglass with some metal. This facility does not have resources for recycling fiberglass or separating metal from fiberglass (photos 12-14).

The complainant said garbage was a problem. When I contacted the complainant, the real concern was blowing litter around the neighborhood. The facility has expanded to the east and west from the original permit making the processing and piling of materials closer to populated areas west of Bunn Street. The C&D processing area does not have any litter fences, or walls to prevent litter blowing. The permitted

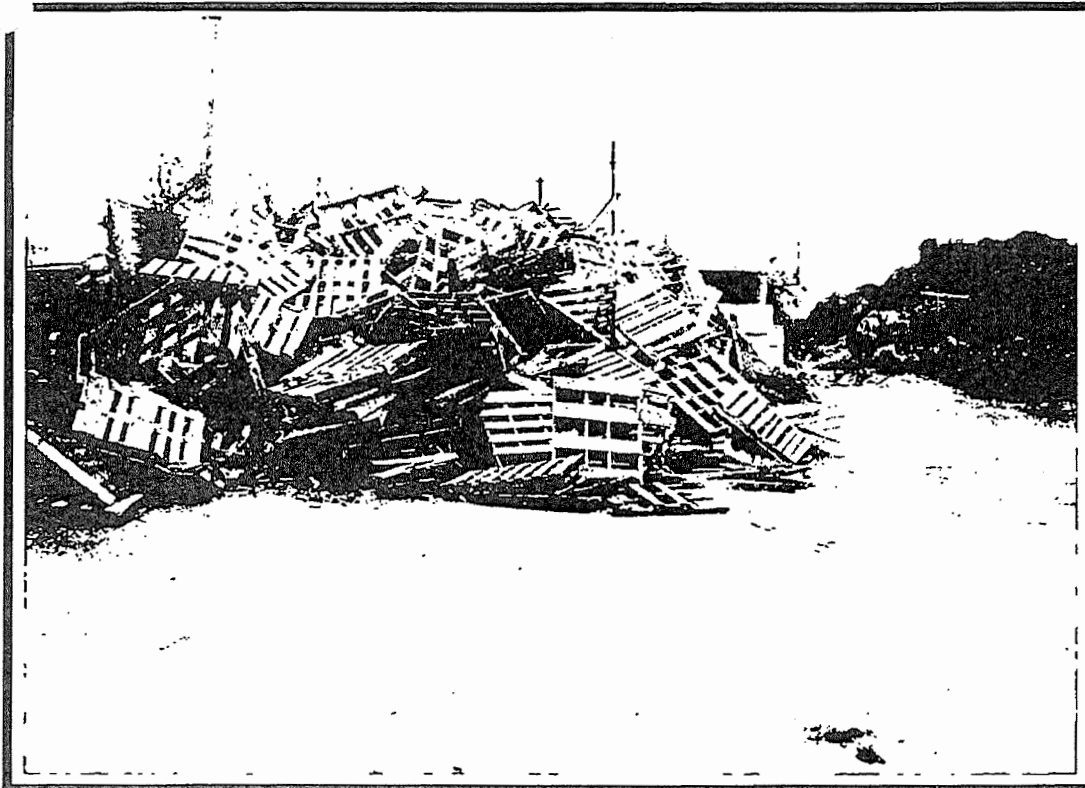
area was 6 acres and the facility is using approximately 25 acres. The facility requested a modification for increased space but the modification has not been approved even though the expansion proceeded.

I left this part of the facility at approximately 11:50 a.m.

Summary of Apparent Violation(s)			
Status	Date Cited	Violation	Narrative
New	10/20/2020	21(a)	Cause or allow open dumping
New	10/20/2020	21(d)(1)	Conduct a waste storage, treatment, or disposal operation in violation of any permit conditions
New	10/20/2020	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	10/20/2020	55(a)(1)	Cause or allow open dumping of any used or waste tire
New	10/20/2020	55(k)(1)	Cause or allow water to accumulate in used or waste tires
New	10/20/2020	PC: 25	25. Operator must place wood, tires, and other unacceptable materials in covered dumpsters or vehicles adequate to prevent leachate.

Attachment Listing		
ID	Type	Description
No Attachments		

Digital Photographs



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 1
Photo Date: 10/20/2020
Photo Time: 13:16:18
Direction: North
Taken By: Michael Mullins

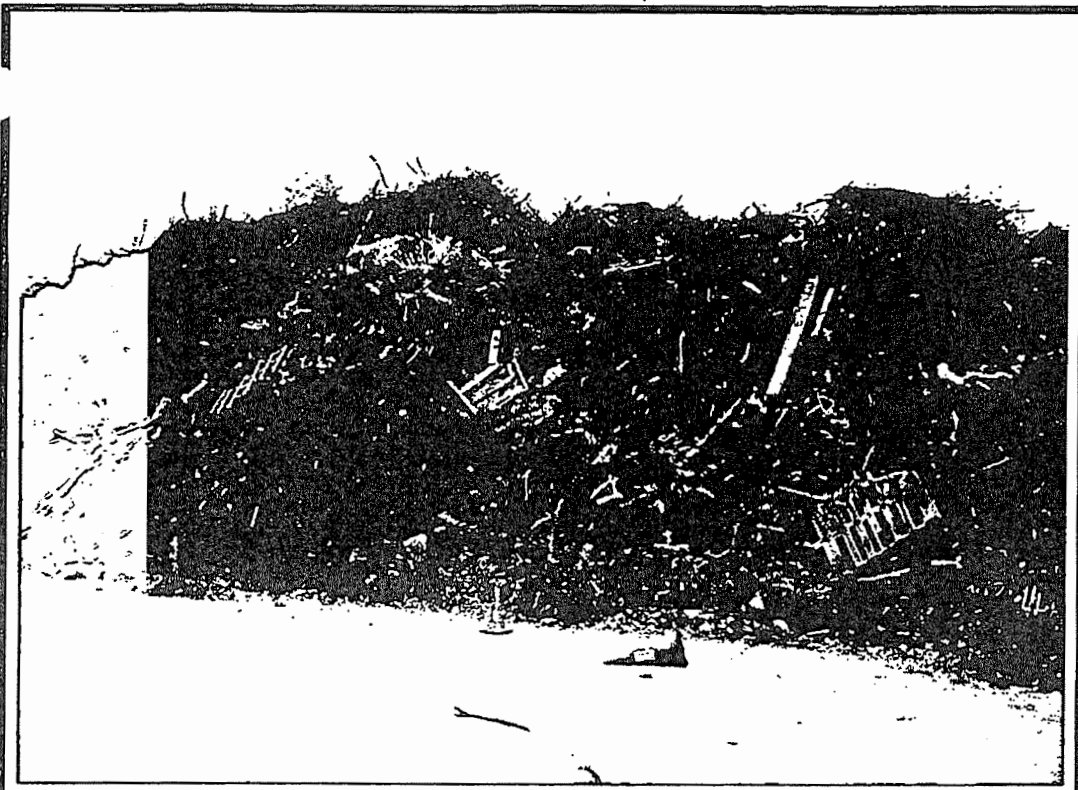
Pallets in landscape waste
storage area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 2
Photo Date: 10/20/2020
Photo Time: 13:16:22
Direction: North
Taken By: Michael Mullins

Landscape waste area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 3
Photo Date: 10/20/2020
Photo Time: 13:16:27
Direction: Northeast
Taken By: Michael Mullins

Pallets and diminsional lumber
mixed with landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 4
Photo Date: 10/20/2020
Photo Time: 13:16:31
Direction: East
Taken By: Michael Mullins

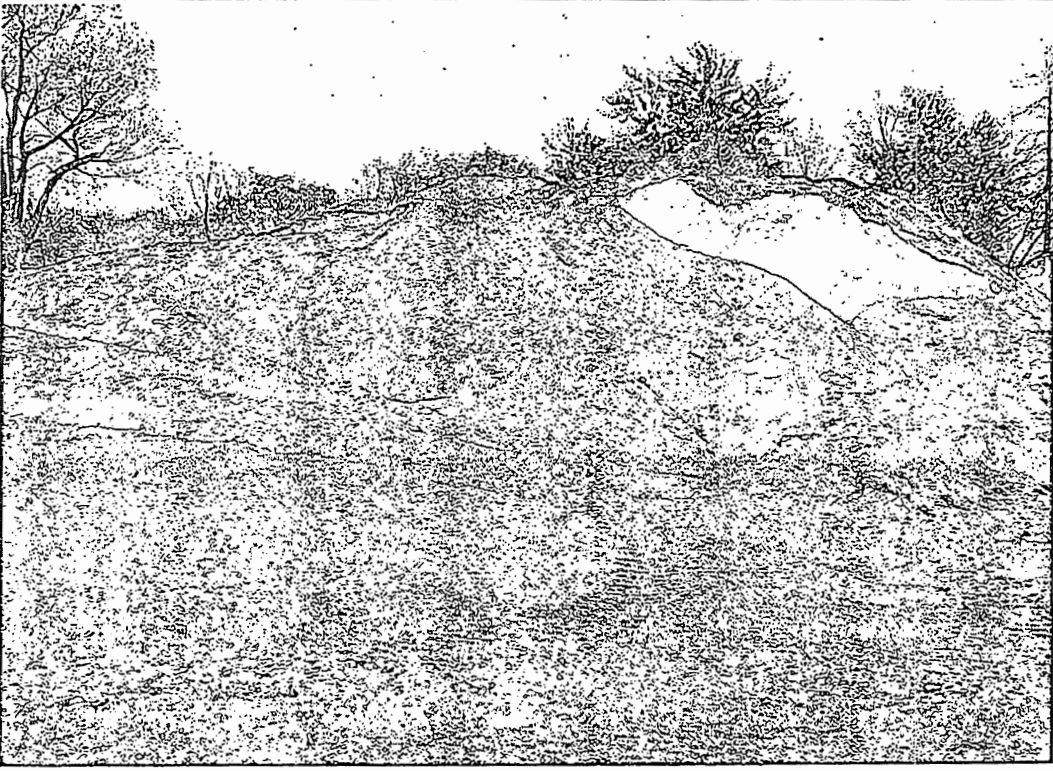
Pallets and diminsional lumber
mixed with landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 5
Photo Date: 10/20/2020
Photo Time: 13:17:29
Direction: Down
Taken By: Michael Mullins

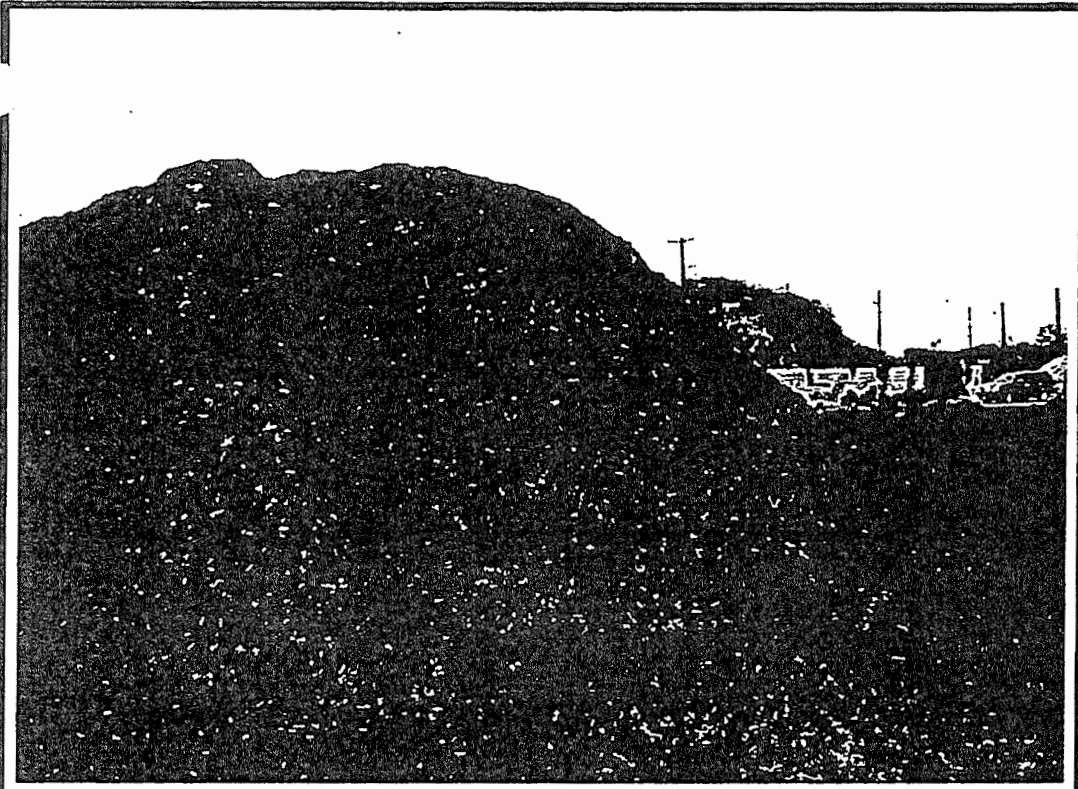
Painted dimensional lumber
mixed with brush



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 6
Photo Date: 10/20/2020
Photo Time: 13:18:38
Direction: East
Taken By: Michael Mullins

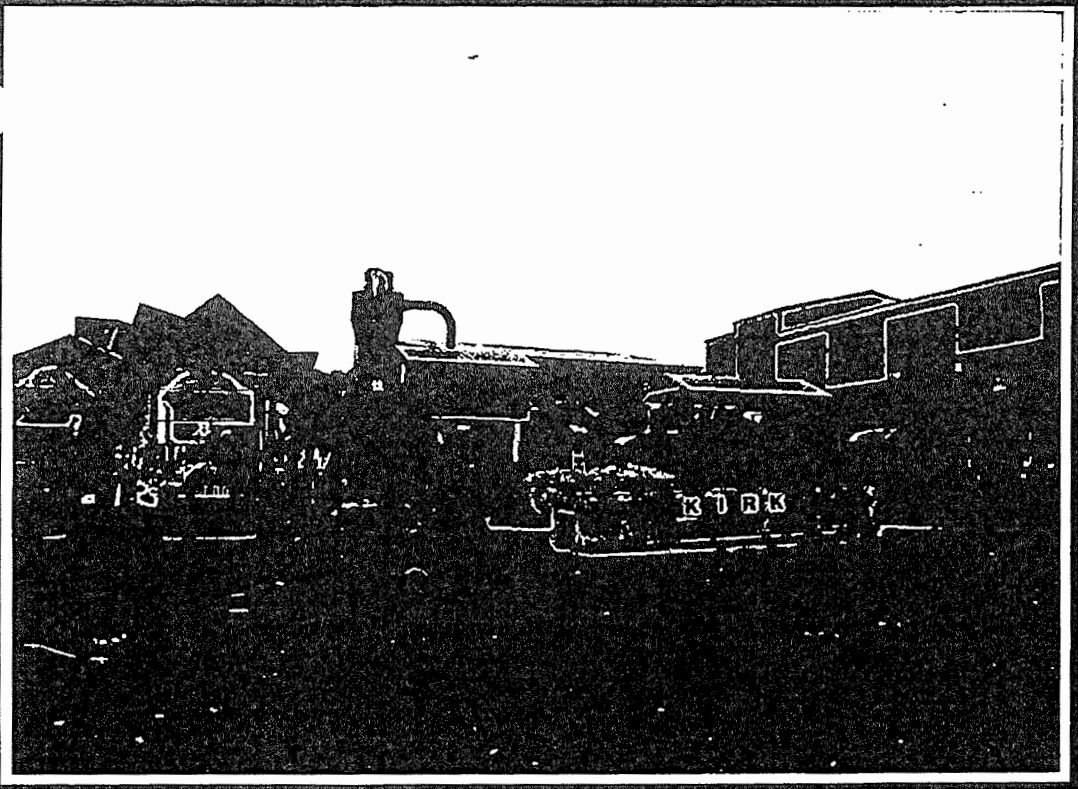
Ground and screened
landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 7
Photo Date: 10/20/2020
Photo Time: 13:18:49
Direction: North
Taken By: Michael Mullins

Ground and screened
landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 8
Photo Date: 10/20/2020
Photo Time: 14:33:59
Direction: South
Taken By: Michael Mullins

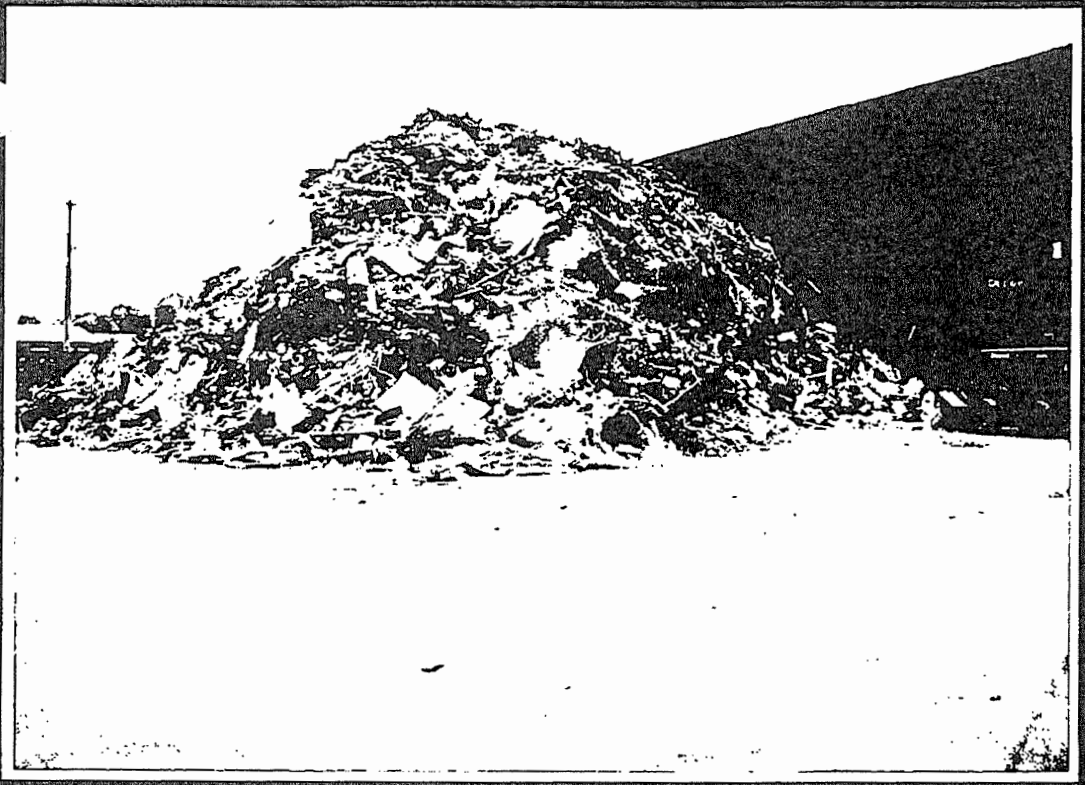
GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 9
Photo Date: 10/20/2020
Photo Time: 14:34:59
Direction: West
Taken By: Michael Mullins

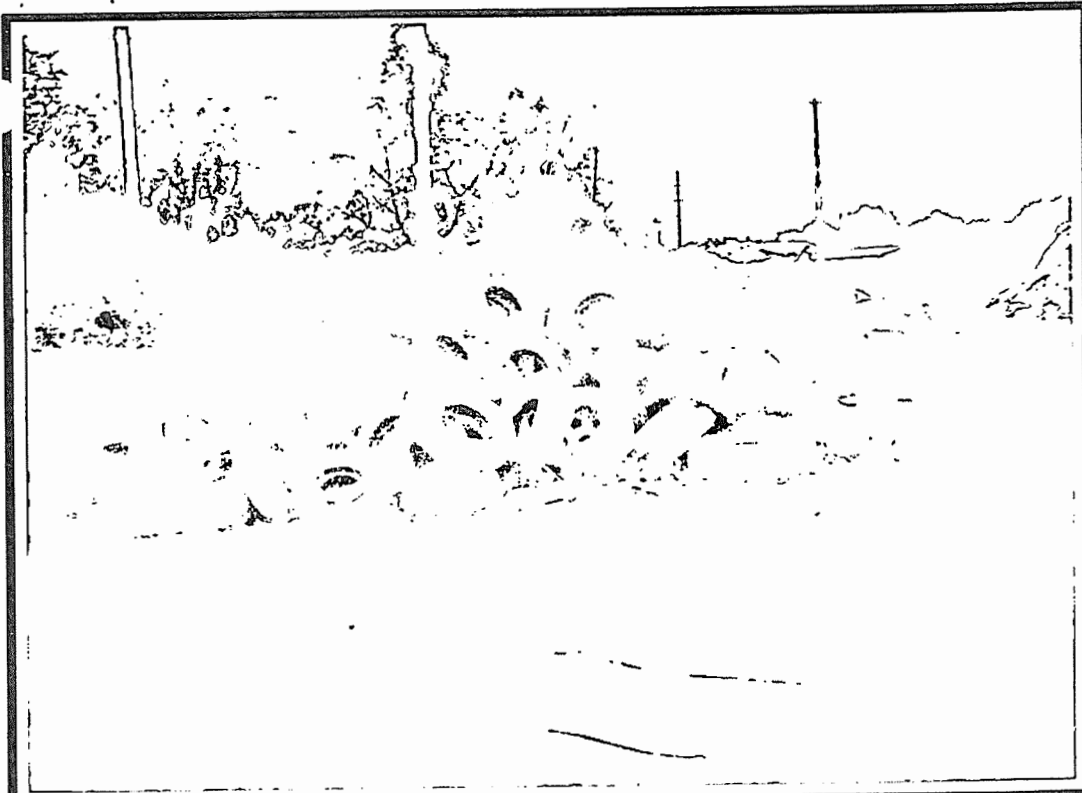
GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 10
Photo Date: 10/20/2020
Photo Time: 14:35:19
Direction: Southwest
Taken By: Michael Mullins

GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 11
Photo Date: 10/20/2020
Photo Time: 14:35:50
Direction: South
Taken By: Michael Mullins

Tires.



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 12
Photo Date: 10/20/2020
Photo Time: 14:36:42
Direction: West
Taken By: Michael Mullins

Wind turbine blades



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 13
Photo Date: 10/20/2020
Photo Time: 14:37:17
Direction: West
Taken By: Michael Mullins

Wind turbine blades

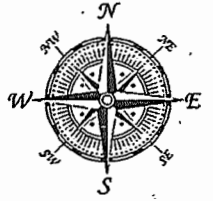


Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 14
Photo Date: 10/20/2020
Photo Time: 14:37:22
Direction: West
Taken By: Michael Mullins

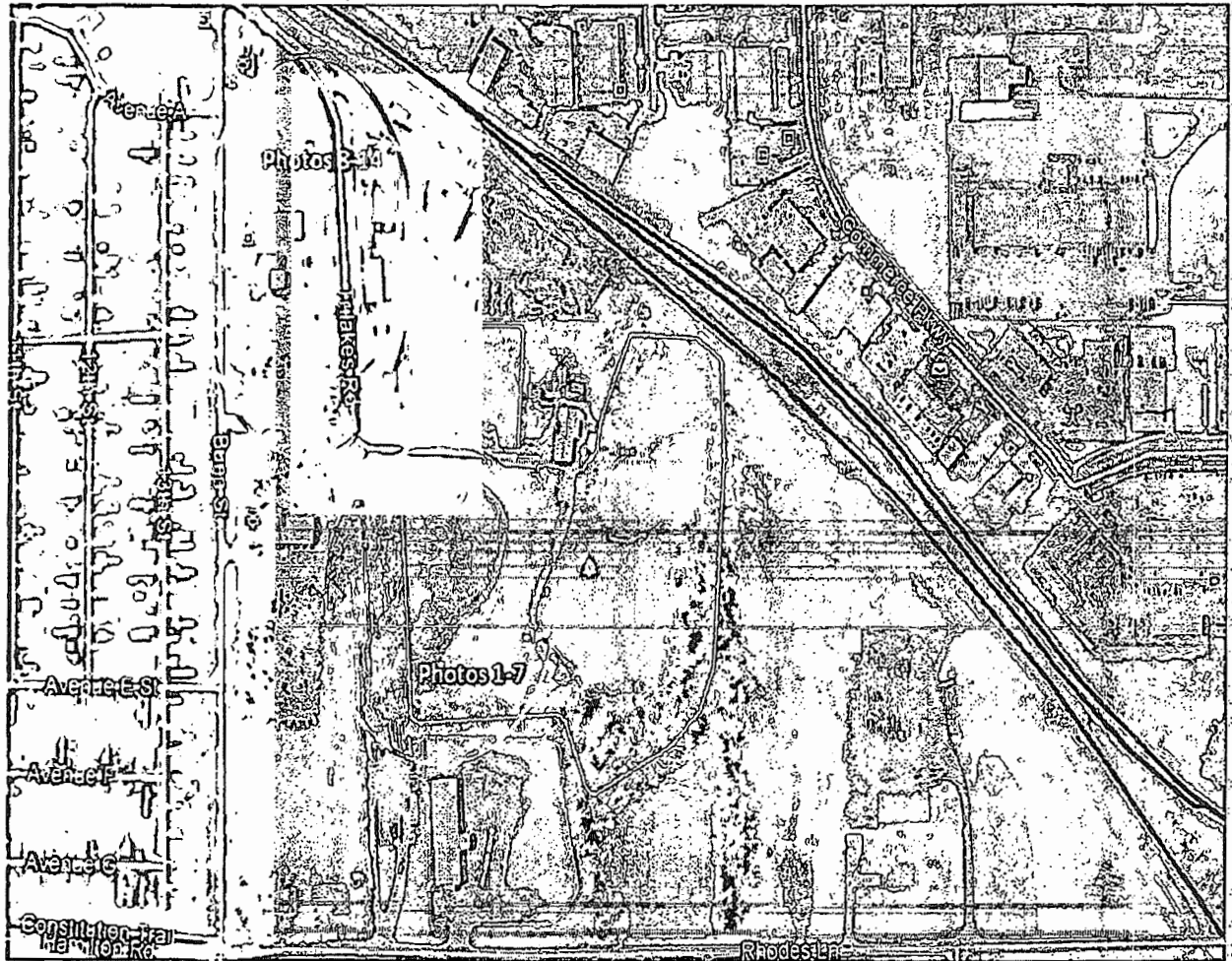
Wind turbine blades

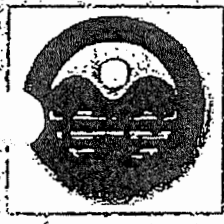
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Site Diagram(s)

Site Diagram 1: October 20, 2020 • Henson Bloomington Recycling Ctr (1138045002) • McLean County





Illinois Environmental Protection Agency
Field Operations Section

Complaint Investigation Form

Thursday, October 29, 2020

Complaint ID: 2429 **Origin:** Public **County:** McLean
Date Received: 10/13/2020 **Source:** Phone **Region:** Champaign
Received By: John P. Richardson **Bureau ID:** 1138045002 **Referred:**
Investigated By: Michael S. Mullins **Status:** Closed - Investigated
Investigated Dt: 10/20/2020
Site Name: Henson Bloomington Recycling Ctr

Complaint Summary

Complainant was tired of garbage blowing around [redacted] yard and neighborhood from the business (Henson Bloomington Recycling Center). The garbage has been blowing for several years.

Location

Description: Bloomington
Latitude DD: 40.4559
Longitude DD: -88.9795

Responsible Party(s)

Responsible Party:
Tom Kirk
48 Tri Lakes Rd
Bloomington, IL. 61704

Complainant:
Anon
Phone: [redacted]

Complaint Findings/Notes

Found the complaint had validity. Tom Kirk has continued to expand the size and scope of recycling at this facility for the last several years after initial permitting. When the facility added a conveyor system to pile wastes west of the processing area and into the lot west of Tri-Lakes Lane the material became closer to the residential neighborhood west of Bunn Street but also the material that Tom had going into that conveyor system was waste fluff material like styrofoam and other very light weight wastes. These wastes were found to be very prone to blowing. Tom previously has been warned about this and was not available for discussion during this investigation. Tom's previous attitude was that he owns the street (Tri-Lakes Lane) and the lot and that if it was not blowing off his street or lot, he was ok. It appears time for a little better housekeeping at this facility.

The practices going on at this facility warrants [redacted] opportunity to address the problem.

Though I do not know the complainant, I did call them and discussed the issue. The complainant has been living [redacted] the facility for many years and the problem is not garbage blowing but litter blowing. I found no garbage at the facility and let the complainant know it was a use of terms that provided a little confusion but it is litter that was on-site and blowing around the neighborhood that caused problems.

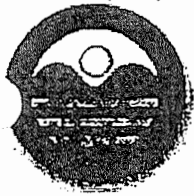
Complaint Photos

No Photos

IEPA-DIVISION OF RECORDS MANAGEMENT
8816494018

DEC 01 2020

REVIEWER: EMI



Illinois Environmental Protection Agency
Field Operations Section

Complaint Investigation Form

Thursday, October 29, 2020



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

CERTIFIED MAIL # 7022 2410 0001 5388 3510
RETURN RECEIPT REQUESTED

March 13, 2023

Henson Disposal Inc
Attn: Tom Kirk
705 N East Street
Bloomington, Illinois 61702

IEPA-Division of Records Management
Releasable

Re: Violation Notice L-2023-00068
BOL #1138045002 - McLean County
Bloomington/Henson Bloomington Recycling Center
Compliance File

APR 11 2023

Reviewer: KKN

Dear Tom Kirk:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on December 6, 2022 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also 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 notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

agreeing to and signing the proposed CCA or by notifying the Illinois EPA that you reject the terms of the proposed CCA.

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 referral to a prosecutorial authority.

Written communications should be directed to:

Illinois Environmental Protection Agency
Attn: James Jennings, Manager
Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2023-00068 and the Site Identification Number 1138045002 on all written communications and supporting documents.

The complete requirements of the Illinois Environmental Protection Act and any Illinois Pollution Control Board regulations cited herein or in the inspection report can be viewed at:

<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Michael Mullins at the following email address: Michael.Mullins@Illinois.gov or at (217) 278-5819.

Sincerely,



Victoria Slayton, MPA
Deputy Section Manager
Materials Management and Compliance Section
Illinois EPA

Enclosure: Violation Notice Attachment

CC:

Richard T. Marvel
221 East Front Street
Bloomington, IL 61701

Violation Notice Attachment

Henson Disposal Inc (“Respondent”) owns the business located at 2148 Tri Lakes Road in Bloomington, Illinois (“the subject property”). On December 6, 2022, the Illinois EPA inspected the subject property. During the inspection, apparent violations of the Illinois Environmental Protection Act and Illinois Pollution Control Board (“Board”) Regulations and Permit No. 2011-089-DE/OP dtd (the “Permit”) were observed. These apparent violations are discussed in further detail below.

i. Applicable Authorities

- i) Illinois law prohibits any person from:
 - a) Causing or allowing the discharge of any contaminants into the environment so as to cause water pollution in Illinois. *See* 415 ILCS 5/12(a).
 - b) Depositing any contaminants onto the land so as to create a water pollution hazard. *See* 415 ILCS 5/12(d).
 - c) Causing, threatening, or allowing the discharge of any contaminant without or in violation of an NPDES permit. *See* 415 ILCS 5/12(f).
 - d) Causing or allowing open dumping of any waste in Illinois. *See* 415 ILCS 5/21(a).
 - e) Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Illinois EPA or in violation of any conditions imposed by such permit *See* 415 ILCS 5/21(d)(1).
 - f) Disposing, treating, storing, or abandoning any waste into Illinois at or to sites not meeting the requirements of the Act. *See* 415 ILCS 5/21(e).
 - g) Causing or allowing the open dumping of any waste in a manner which results in litter. *See* 415 ILCS 5/21(p)(1).
 - h) Causing or allowing the open dumping of any waste in a manner which results in deposition of waste in standing or flowing waters. *See* 415 ILCS 5/21(p)(4).
 - i) Causing or allowing the open dumping of waste in a manner which results in standing or flowing liquid discharge from the dump site. *See* 415 ILCS 5/21(p)(6).

- j) Conducting any clean construction or demolition debris fill operation in violation of the Act or Board regulations. *See* 415 ILCS 5/22.51(a).
 - k) Using soil other than uncontaminated soil as fill material at a clean construction or demolition debris fill operation. *See* 415 ILCS 5/22.51(g)(1).
- ii) Board Regulations state that:
- a) No person may accept any special waste for disposal, storage or treatment within Illinois from special waste transporter unless the special waste transporter has a valid special waste hauling permit issued by the Agency. *See* 35 Ill. Adm. Code 809.302(a).
 - b) No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board. *See* 35 Ill. Adm. Code 1100.201(a).
 - c) CCDD fill operations must not accept waste for use as fill. *See* 35 Ill. Adm. Code 1100.201(b).
 - d) No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. *See* 35 Ill. Adm. Code 1100.201(d).
 - e) The owner or operator for all soil, including soil mixed with CCDD, must obtain a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. *See* 35 Ill. Adm. Code 1100.205(a)(1).
 - f) The owner or operator certifications required under subsections 1100.205(a)(1)(A) and 1100.205(a)(1)(B) must be on forms and in a format prescribed by the Agency. *See* 35 Ill. Adm. Code 1100.205(a)(2).
 - g) The owner or operator must confirm and document that the CCDD or uncontaminated soil was not removed from a site as part of a cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a Closure or Corrective Action under the Resource Conservation and Recovery Act, as amended, or under an Agency remediation program, such as the Leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of the Act when there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, or from the real property. *See* 35 Ill. Adm. Code 1100.205(a)(3).

- h) The owner or operator must conduct testing to determine that the soil is uncontaminated or obtain documentation to show that the soil was tested in accordance with the requirements of Subpart F of this part. *See* 35 Ill. Adm. Code 1100.205(a)(4).
- i) The owner or operator must conduct routine inspections of every load before its acceptance at the facility with a photo ionization detector utilizing a lamp of 10.6 eV or greater or an instrument with a flame ionization detector. *See* 35 Ill. Adm. Code 1100.205(b).
- j) An inspector designated by the facility must inspect every load before its acceptance at the facility utilizing an elevated structure, a designated ground level inspection area, or another acceptable method as specified in the Agency permit. *See* 1100.205(b)(1)(A).
- k) Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility. *See* 1100.205(b)(1)(B).
- l) The owner or operator must document the inspection results. The documentation for each inspection must include, at a minimum, the following:
 - i) The date and time of the inspection, the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil;
 - ii) The results of the routine inspection required under subsection (b)(1) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;
 - iii) The results of any random inspection required under subsection (b)(2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and
 - iv) The name of the inspector. *See* 35 Ill. Adm. Code 1100.205(b)(3).

- m) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:
- i) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;
 - ii) The reasons for rejections of the load, that the material must not be taken to another fill operation, except as provided in subsection (b)(4)(A)(iv) or the material must be disposed of at a permitted landfill;
 - iii) That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site operator, and the location of the site of origin of the fill; and
 - iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a)(5) are satisfied. *See* 35 Ill. Adm. Code 1100.205(b)(4).
- n) The owner or operator must maintain an operating record at a facility or in some alternative location specified in the Agency Permit. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. *See* 35 Ill. Adm. Code 1100.210.
- o) Copies of all records required to be kept under this Part shall be retained by the site operator for three years and must be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency. *See* 35 Ill. Adm. Code 1150.110.
- p) The operator of a CCDD fill operation shall keep a Daily Record of the CCDD and the uncontaminated soil accepted for use as fill material at the CCDD fill operation. *See* 35 Ill. Adm. Code 1150.200(a).

- q) Payment of the fee due under Section 22.51b of the Act must be made on a quarterly basis with the submission of the Quarterly Fill Summary. The payment must be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and must cover the preceding three calendar months. The fee payment due must be calculated by multiplying the quantity of CCDD and uncontaminated soil accepted for use as fill material, in tons weighed or cubic yards measured, as reported on the Quarterly Fill Summary, times the applicable rate in Section 22.51b of the Act. *See* 35 Ill. Adm. Code 1150.300.

iii) The Permit requires:

- a) The construction-demolition debris recycling consists of 6.16 acres on the east and west sides of 2148 Tri Lakes Road, Bloomington, more particularly described in the application. The operator shall not cause or allow the modification to the design or operation of this facility or accept any type of debris for recycling except as authorized in a permit issued by the Illinois EPA. *See* Permit Condition #1.
- b) There be no deviations from the approved plans and specifications unless a written request for modification has been submitted to the Illinois EPA and a supplemental written permit has been issued. *See* Permit Condition #3.
- c) The facility shall be designed, constructed, operated, and maintained to prevent litter and other debris from leaving the facility property. Facility features (e.g., windbreaks, fencing, netting, etc) shall be among the measures considered to ensure that the debris does not become wind strewn and no other provisions of the Act are violated. *See* Permit Condition #9.

2. Alleged Violations

The Illinois EPA inspector observed a semi-trailer leaking white liquid, which may have caused, threatened, or allowed water pollution within the sites boundary's and accordingly violated Illinois law. *See* 415 ILCS 5/12(a); 415 ILCS 5/12(d); 415 ILCS 5/12(f).

The Illinois EPA inspector observed open dumping, including but not limited to wood, concrete, and litter at the subject property, which violates Illinois law. *See* 415 ILCS 5/21(a); 415 ILCS 5/21(d)(1); 415 ILCS 5/21(e); 415 ILCS 5/21(p)(1); 415 ILCS 5/21(p)(4); 415 ILCS 5/21(p)(6); Permit Condition #9.

The Illinois EPA inspector observed filling, without a permit, of speculatively reclaimed soil. *See* 415 ILCS 5/22.51(a); 415 ILCS 5/22.51(g)(1); 35 Ill. Adm. Code 1100.201(a); 35 Ill. Adm. Code 1100.201(b); 35 Ill. Adm. Code 1100.201(d); 35 Ill. Adm. Code 1100.205(a)(1).

Respondent failed to inspect every load before its acceptance at the facility and reject material other than CCDD or uncontaminated soil. *See* 35 Ill. Adm. Code 809.302; 35 Ill. Adm. Code 1100.205(a)(2); 35 Ill. Adm. Code 1100.205(b); 35 Ill. Adm. Code 1100.205(b)(1)(A); 35 Ill. Adm. Code 1100.205(b)(1)(B); 35 Ill. Adm. Code 1100.205(b)(4).

Respondent failed to produce certifications and/or documents required on past uses of the site where the soil originated as well as an operating record at the facility. *See* 35 Ill. Adm. Code 1100.205(a)(3); 35 Ill. Adm. Code 1100.210; 35 Ill. Adm. Code 1150.110; 35 Ill. Adm. Code 1150.200(a).

Respondent failed to conduct and document testing to determine that the soil used for fill is uncontaminated. *See* 35 Ill. Adm. Code 1100.205(a)(4); 35 Ill. Adm. Code 1100.205(b)(3).

Respondent failed to pay the Quarterly Submission of Payment based on the quantity of CCDD and uncontaminated soil for use as fill material. The payment must be received by the Agency on or before April 15, July 15, October 15, and January 15. *See* 35 Ill. Adm. Code 1150.300.

Respondent failed to follow the approved plans and specifications for allowing the modification to the design or operation of this facility, which violates the Permit. *See* Permit Condition #1; Permit Condition #3.

3. Suggested Resolutions

- i) **Immediately upon receipt of this Violation Notice (“VN”), the Respondent shall:**
 - a) Cease all open dumping at the subject property.
 - b) Cease and desist the point of source discharge of fluids and contaminants to waters of the United States.
 - c) Cease and desist accepting wastes that are not allowed in the permit until proper permitting is obtained from the Illinois EPA.
 - d) Cease and desist accepting regulated soils until a permit is obtained from the Illinois EPA.
 - e) Cease and desist use of additional space until a permit is obtained from the Illinois EPA.
 - f) Cease modifying, filling or changing a borrow pit without a permit obtained from the Illinois EPA.

- ii) **Within 90 calendar days upon receipt of the VN, the Respondent shall:**
- a) Request a significant modification to the existing permit for actual space, acres and/or area being used for the facility.
 - b) Design and install a permitted leachate collection system for leachate generated at the subject property.
 - c) Develop and implement a training program for all employees on the rules and procedures in order to properly handle the wastes and recyclables.
 - d) Develop and implement a load checking program that includes all necessary steps and records for wastes and recyclables handled.
 - e) Develop and implement a litter control program that may include fences, berms, closed top containers and picking up of strewn items.
 - f) Pay the Quarterly Submission of Payment based on the quantity of CCDD and uncontaminated soil for use as fill material. The payment must be received by the Agency on or before April 15, July 15, October 15, and January 15.
- iii) **Recordkeeping. Within 45 calendar days upon receipt of the VN, the Respondent shall submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to transportation receipts, disposal receipts, and photographs reflecting the completion of the suggested resolutions identified above, to:**

*Illinois EPA Champaign Regional Office
Attn: Michael Mullins
2125 South First Street
Champaign, Illinois 61820*



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

CERTIFIED MAIL # 7020 0640 0000 9514 7074
RETURN RECEIPT REQUESTED

April 18, 2022

Henson Bloomington Recycling Center
Attn: Timothy Kirk
2148 Tri Lakes Road
Bloomington, Illinois 61704

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

MAY 12 2022

Re: Violation Notice L-2022-00088
BOL #1138045002 - McLean County
Bloomington/Henson Bloomington Recycling Center
Compliance File

REVIEWER: RDH

Dear Timothy Kirk:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on March 1, 2022 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also 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 notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

agreeing to and signing the proposed CCA or by notifying the Illinois EPA that you reject the terms of the proposed CCA.

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 referral to a prosecutorial authority.

Written communications should be directed to:

Illinois Environmental Protection Agency
Attn: James Jennings, Manager
Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2022-00088 and the Site Identification Number 1138045002 on all written communications and supporting documents.

The complete requirements of the Illinois Environmental Protection Act and any Illinois Pollution Control Board regulations cited herein or in the inspection report can be viewed at:

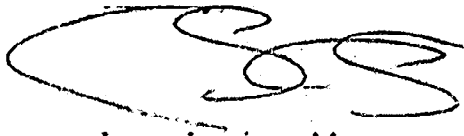
<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Mike Mullins at the following email address: Michael.Mullins@Illinois.gov or at (217) 278-5819.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Jennings', written over a faint dotted line.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure: Violation Notice Attachment

Violation Notice Attachment

Henson Bloomington Recycling Center (“Respondent”) operates the facility located at 2148 Tri Lakes Road in Bloomington, Illinois (“the subject property”). On March 1, 2022, the Illinois EPA inspected the subject property. During the inspection, apparent violations of the Illinois Environmental Protection Act and Permit No. 2011-089-DE/OP (the “Permit”) were observed. These apparent violations are discussed in further detail below.

1. Open Dumping at the Subject Property

A. Applicable Law

i) Illinois law prohibits any person from:

- a) Causing or allowing open dumping of any waste in Illinois. *See* 415 ILCS 5/21(a).
- b) Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Illinois EPA or in violation of any conditions imposed by such permit *See* 415 ILCS 5/21(d)(1).
- c) Disposing, treating, storing, or abandoning any waste into Illinois at or to sites not meeting the requirements of the Act. *See* 415 ILCS 5/21(e).
- d) Causing or allowing the open dumping of any waste in a manner which results in litter. *See* 415 ILCS 5/21(p)(1).

ii) The Permit requires:

- a) The construction-demolition debris recycling be limited to 6.16 acres on the east and west sides of 2148 Tri Lakes Road, Bloomington. The operator shall not cause or allow the modification to the design or operation of this facility or accept any type of debris for recycling except as authorized in a permit issued by the Illinois EPA. *See* Condition 1 of the Permit.
- b) The facility be designed, constructed, operated and maintained to prevent litter and other debris from leaving the facility. *See* Condition 9 of the Permit.
- c) There be no deviations from the approved plans and specifications unless a written request for modification has been submitted to the Illinois EPA and a supplemental written permit has been issued. *See* Standard Condition 3 of the Permit.

B. Alleged Violations

The Illinois EPA inspector observed open dumping of large amounts of litter at the subject property, which violates Illinois law and the Permit.

The facility is also operating outside the permitted boundary of 6.16 acres, which violates Illinois law and the Permit.

C. Suggested Resolutions

Respondent should take remedial action to address the above-referenced violations, including:

- i) **Site Operations. Immediately upon receipt of this Violation Notice (“VN”):**
 - a) The Respondent shall cease all open dumping of litter at the subject property. Do not dispose of any waste by burial.
 - b) The Respondent shall implement a litter control plan to prevent future littering at the subject property.
 - c) The facility should operate within permitted boundary until given approval by local citing authority and Illinois Environmental Protection Agency through a significant modification to the operating permit.
 - ii) **Materials Removal. Immediately upon receipt of this VN, remove all litter to an appropriately permitted landfill or transfer station. Waste haulers must have the proper license to remove such wastes and transport them to a permitted landfill or transfer station.**
2. **Recordkeeping. Within 45 calendar days upon receipt of the VN, the Respondent shall submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to transportation receipts, disposal receipts, and photographs reflecting the completion of the suggested resolutions identified above, to:**

*Illinois EPA Champaign Regional Office
Attn: Michael Mullins
2125 South First Street
Champaign, Illinois 61820*



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

CERTIFIED MAIL # 7020 0640 0000 9514 7067
RETURN RECEIPT REQUESTED

April 18, 2022

Henson Disposal, Inc.
Attn: Tom Kirk
1905 Garling Drive
Bloomington, Illinois 61704

IEPA - DIVISION OF RECORDS MANAGEMENT
RELEASABLE

MAY 12 2022

Re: Violation Notice L-2022-00087
BOL #1138045002 - McLean County
Bloomington/Henson Bloomington Recycling Center
Compliance File

REVIEWER: RDH

Dear Tom Kirk:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on March 1, 2022 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also 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 notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

agreeing to and signing the proposed CCA or by notifying the Illinois EPA that you reject the terms of the proposed CCA.

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 referral to a prosecutorial authority.

Written communications should be directed to:

Illinois Environmental Protection Agency
Attn: James Jennings, Manager
Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2022-00087 and the Site Identification Number 1138045002 on all written communications and supporting documents.

The complete requirements of the Illinois Environmental Protection Act and any Illinois Pollution Control Board regulations cited herein or in the inspection report can be viewed at:

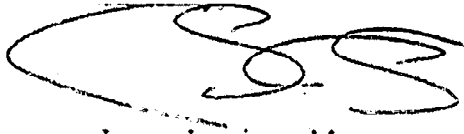
<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/IPCBandIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Mike Mullins at the following email address: Michael.Mullins@Illinois.gov or at (217) 278-5819.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Jennings', written over a faint dotted line.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure: Violation Notice Attachment

Violation Notice Attachment

Henson Disposal Inc (“Respondent”) owns the business located at 2148 Tri Lakes Road in Bloomington, Illinois (“the subject property”). On March 1, 2022, the Illinois EPA inspected the subject property. During the inspection, apparent violations of the Illinois Environmental Protection Act and Permit No. 2011-089-DE/OP (the “Permit”) were observed. These apparent violations are discussed in further detail below.

1. Open Dumping at the Subject Property
 - A. **Applicable Law**
 - i) Illinois law prohibits any person from:
 - a) Causing or allowing open dumping of any waste in Illinois. *See* 415 ILCS 5/21(a).
 - b) Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Illinois EPA or in violation of any conditions imposed by such permit *See* 415 ILCS 5/21(d)(1).
 - c) Disposing, treating, storing, or abandoning any waste into Illinois at or to sites not meeting the requirements of the Act. *See* 415 ILCS 5/21(e).
 - d) Causing or allowing the open dumping of any waste in a manner which results in litter. *See* 415 ILCS 5/21(p)(1).
 - ii) The Permit requires:
 - a) The construction-demolition debris recycling be limited to 6.16 acres on the east and west sides of 2148 Tri Lakes Road, Bloomington. The operator shall not cause or allow the modification to the design or operation of this facility or accept any type of debris for recycling except as authorized in a permit issued by the Illinois EPA. *See* Condition 1 of the Permit.
 - b) The facility be designed, constructed, operated and maintained to prevent litter and other debris from leaving the facility. *See* Condition 9 of the Permit.
 - c) There be no deviations from the approved plans and specifications unless a written request for modification has been submitted to the Illinois EPA and a supplemental written permit has been issued. *See* Standard Condition 3 of the Permit.

B. Alleged Violations

The Illinois EPA inspector observed open dumping of large amounts of litter at the subject property, which violates Illinois law and the Permit.

The facility is also operating outside the permitted boundary of 6.16 acres, which violates Illinois law and the Permit.

C. Suggested Resolutions

Respondent should take remedial action to address the above-referenced violations, including:

- i) **Site Operations. Immediately upon receipt of this Violation Notice (“VN”):**
 - a) The Respondent shall cease all open dumping of litter at the subject property. Do not dispose of any waste by burial.
 - b) The Respondent shall implement a litter control plan to prevent future littering at the subject property.
 - c) The facility should operate within permitted boundary until given approval by local citing authority and Illinois Environmental Protection Agency through a significant modification to the operating permit.
 - ii) **Materials Removal. Immediately upon receipt of this VN, remove all litter to an appropriately permitted landfill or transfer station. Waste haulers must have the proper license to remove such wastes and transport them to a permitted landfill or transfer station.**
2. **Recordkeeping. Within 45 calendar days upon receipt of the VN, the Respondent shall submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to transportation receipts, disposal receipts, and photographs reflecting the completion of the suggested resolutions identified above, to:**

*Illinois EPA Champaign Regional Office
Attn: Michael Mullins
2125 South First Street
Champaign, Illinois 61820*



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300

April 7, 2021

Henson Bloomington Recycling Ctr.
Attn: Tom Kirk
705 N. East Street
Bloomington, Illinois 61702

Re: Notice of Compliance Commitment Agreement Non-Issuance
Violation Notice L-2020-00316
LPC #1138045002 - McLean County
Bloomington/ Henson Bloomington Recycling Ctr.
Compliance File

Dear Mr. Kirk:

The Illinois Environmental Protection Agency ("Illinois EPA") did not receive a response to violations alleged in the above-referenced Violation Notice. Due to the nature and seriousness of the violations alleged in the Violation Notice, the Illinois EPA has determined that resolution may not be possible without involving the Office of the Attorney General, the State's Attorney, the United States Environmental Protection Agency, or another appropriate prosecutorial authority.

Written communications should be directed to:

Illinois EPA — Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2020-00316 and the Site Identification Number 1138045002 on all written communications.

Questions regarding this matter should be directed to James Jennings at james.m.jennings@illinois.gov or at (217) 524-1852.

Sincerely,

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

IEPA
Division of Records Management
Releasable

APR 30 2021

Reviewer: SSD



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300

March 22, 2021

CERTIFIED MAIL #7020 0090 0000 7317 4789
RETURN RECEIPT REQUESTED

Henson Bloomington Recycling Ctr.
Attn: Tom Kirk
705 N. East Street
Bloomington, Illinois 61702

Re: Notice of Compliance Commitment Agreement Non-Issuance
Violation Notice L-2020-00316
LPC #1138045002 - McLean County
Bloomington/ Henson Bloomington Recycling Ctr.
Compliance File

Dear Mr. Kirk:

The Illinois Environmental Protection Agency ("Illinois EPA") did not receive a response to violations alleged in the above-referenced Violation Notice. Due to the nature and seriousness of the violations alleged in the Violation Notice, the Illinois EPA has determined that resolution may not be possible without involving the Office of the Attorney General, the State's Attorney, the United States Environmental Protection Agency, or another appropriate prosecutorial authority.

Written communications should be directed to:

Illinois EPA — Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Please include the Violation Notice Number L-2020-00316 and the Site Identification Number 1138045002 on all written communications.

Questions regarding this matter should be directed to James Jennings at james.m.jennings@illinois.gov or at (217) 524-1852.

Sincerely,

A handwritten signature in black ink, appearing to read "James Jennings", written over a circular stamp or seal.

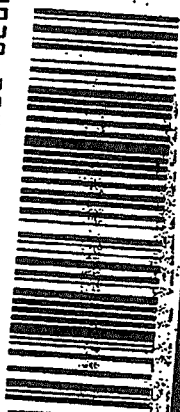
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land



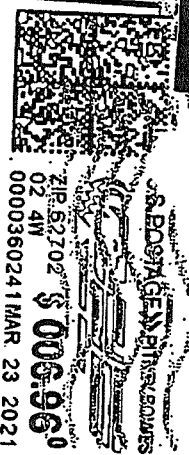
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276

2A

CERTIFIED MAIL



7020 0090 0000 7317 4789



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JND

NIXIE 601 FE 1 0003/30/21

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNLESS RETURNED TO SENDER

BC: 52794927675 *2361-14500-23-44

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

January 12, 2021

Henson Bloomington Recycling Ctr.
Attn: Tom Kirk
705 N. East Street
Bloomington, Illinois 61702

Re: **Violation Notice L-2020-00316**
LPC #1138045002 - McLean County
Bloomington/ Henson Bloomington Recycling Ctr.
Compliance File

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

FEB 11 2021

REVIEWER: SAB

Dear Mr. Kirk:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on October 20, 2020 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also 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 notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

agreeing to and signing the proposed CCA or by notifying the Illinois EPA that you reject the terms of the proposed CCA.

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 referral to a prosecutorial authority.

Written communications should be directed to:

Illinois Environmental Protection Agency
Attn: Ukanno Foxworth
Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794

Please include the Violation Notice Number L-2020-00316 and the Site Identification Number 1138045002 on all written communications and supporting documents.

The complete requirements of the Illinois Environmental Protection Act and any Illinois Pollution Control Board regulations cited herein or in the inspection report can be viewed at:

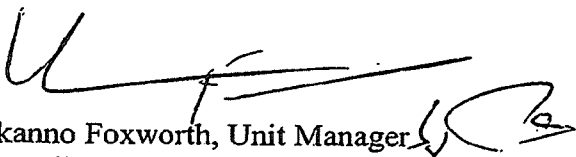
<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/PCBandIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Michael Mullins at the following web address: Michael.Mullins@Illinois.gov or at (217) 278-5819.

Sincerely,



Ukanno Foxworth, Unit Manager
Compliance & Reporting Unit
Bureau of Land
Illinois Environmental Protection Agency

Enclosure: Violation Notice Attachment

Violation Notice Attachment

Henson Bloomington Recycling Center (“Respondent”) owns and operates the general construction and demolition debris (“GCDD”) recycling center located at 2148 Tri Lakes Road in Bloomington, Illinois (“the subject property”). On October 20, 2020, the Illinois EPA inspected the subject property. During the inspection, apparent violations of the Illinois Environmental Protection Act were observed. These apparent violations of the Act, Illinois Pollution Control Board (“Board”) regulations, and conditions of Permit Number 2011-089-DE/OP, Mod. 56 (“the Permit”) were observed are discussed in further detail below.

Alleged Violations

1. **Open Dumping at the Subject Property**

The Illinois EPA inspector observed GCDD including painted lumber and wood pallets mixed with landscape waste resulting in litter, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(a); 415 ILCS 5/21(d)(1); 415 ILCS 5/21(p)(1); Condition 25 of the Permit.

2. **Issues Related to Used or Waste Tires**

The Illinois EPA inspector observed used or waste tires stored at the subject property without any covering to prevent the accumulation of water, which violates Illinois law and the Permit. *See* 415 ILCS 5/21(d)(1); 415 ILCS 5/55(a)(1); 415 ILCS 5/55(k)(1); Condition 25 of the Permit.

Suggested Resolutions

Respondent should take necessary remedial actions related to the above-referenced alleged violations, including:

1. **Site Operations. Immediately upon receipt of this Violation Notice (“VN”):**
 - a) Respondent should relocate any GCDD currently stored outside the area approved in the Permit.
 - b) Respondent should initiate protocols to ensure GCDD that is waiting to be processed only stored in the area approved in the Permit.
 - c) Surround the processing area with litter fences or walls to prevent litter from blowing.

LPC # 1138045002— McLean County
Bloomington / Henson Bloomington Recycling Ctr

- d) Store all used or waste tires retained at the subject property in a manner that ensures those tires remain dry and in accordance with Illinois law, to prevent water accumulation and vector proliferation.
2. **Materials Removal.** Immediately upon receipt of this VN, remove all used or waste tires from the subject property to an appropriately registered used tire storage site or tire disposal facility. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal. Loads of more than twenty used tires must be hauled by appropriately registered and permitted used tire transporter.
3. **Recordkeeping.** Within 45 calendar days upon receipt of the VN, submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to transportation receipts, disposal receipts, and photographs reflecting the completion of the suggested resolutions identified above, to:

*Illinois EPA Champaign Regional Office
Attn: Michael Mullins
2125 South First Street
Champaign, Illinois 61820*



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217)524-3300
TDD 217/782-9143

December 22, 2020

Henson Bloomington Recycling Ctr.
Attn: Tom Kirk
705 N. East Street
Bloomington, Illinois 61702

CERTIFIED MAIL #70200090000073128980
RETURN RECEIPT REQUESTED

Re: **Violation Notice L-2020-00316**
LPC #1138045002 - McLean County
Bloomington/ Henson Bloomington Recycling Ctr.
Compliance File

Dear Mr. Kirk:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on October 20, 2020 by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in the attachment to this notice. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also 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 notice. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether you wish to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If you wish to enter into a CCA, the written response must also include proposed terms for the CCA, including dates for achieving each commitment, and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

The Illinois EPA will review the proposed terms for a CCA provided by you and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, you must respond in writing either by

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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Illinois Environmental Protection Agency
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Bureau of Land # 24
1021 North Grand Ave. East
Springfield, Illinois 62794

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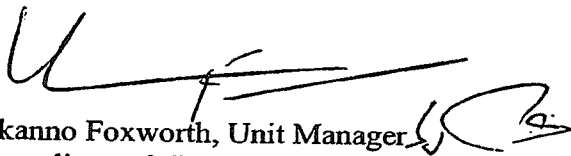
<http://www.ipcb.state.il.us/SLR/TheEnvironmentalProtectionAct.asp>

and

<http://www.ipcb.state.il.us/SLR/PCBAndIEPAEnvironmentalRegulations-Title35.asp>

If you have questions regarding this matter, please contact Michael Mullins at the following web address: Michael.Mullins@Illinois.gov or at (217) 278-5819.

Sincerely,



Ukanno Foxworth, Unit Manager
Compliance & Reporting Unit
Bureau of Land
Illinois Environmental Protection Agency

Enclosure: Violation Notice Attachment

Violation Notice Attachment

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Suggested Resolutions

Respondent should take necessary remedial actions related to the above-referenced alleged violations, including:

1. **Site Operations. Immediately upon receipt of this Violation Notice (“VN”):**
 - a) Respondent should relocate any GCDD currently stored outside the area approved in the Permit.
 - b) Respondent should initiate protocols to ensure GCDD that is waiting to be processed only stored in the area approved in the Permit.
 - c) Surround the processing area with litter fences or walls to prevent litter from blowing.

LPC # 1138045002– McLean County
Bloomington / Henson Bloomington Recycling Ctr

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*Illinois EPA Champaign Regional Office
Attn: Michael Mullins
2125 South First Street
Champaign, Illinois 61820*

**Bureau of Land – Field Operations Section
Evaluation Report**

General Facility Information			
BOL ID:	1138045002	Region:	Champaign
USEPA ID:	Not Applicable	County:	McLean
Site Name:	Henson Bloomington Recycling Ctr	Phone:	309-829-5021
Address:	2148 Tri Lakes Rd	Latitude:	40.45664
City/State/Zip:	Bloomington, IL 61704	Longitude:	-88.97974
Permit No(s):	Solid Waste: 2011-089-DE/OP dated 07/19/2011		
Regulated As:			
Operational Status:			

Owner	Operator
Henson Bloomington Recycling Ctr Tom Kirk 705 N E St Bloomington, IL 61702	Henson Bloomington Recycling Ctr Tom Kirk 2148 Tri Lakes Rd Bloomington, IL 61704

Evaluation Details	
Evaluation Type	GCDD Recycling Site Inspection
Evaluation Date	10/20/2020
Inspector(s)	Mullins, Michael
Person(s) Interviewed	Pat Henson
Previous Inspection Date	5/15/2017

Observations	
Time	1100-1215
Weather Conditions (Description)	Clear sky, dry soils
Temperature (°F)	55
Samples Collected (Yes/No)	No
Photos Taken (Yes/No)	Yes
Number of Tires (Count)	75

Executive Summary

I inspected this permitted and active construction and demolition debris recycling center that also recycles landscape waste on October 20, 2020. The purpose was to determine the site's compliance with solid waste landfill portions of the Illinois Environmental Protection Act, the Title 35 Illinois Administrative Code regulations, and the site's Illinois EPA-issued permit, 2011-089-DE/OP. I inspected in accordance with authority granted under Section 4(c) and 4(d) of the Environmental Protection Act and Standard Condition 4 of the site's permit.

Apparent violations are cited for litter, pallets and lumber mixed with landscape waste and tires.

Evaluation Narrative

I conducted a non-scheduled permitted facility inspection starting at 11:00 a.m. on October 20, 2020 in conjunction with a complaint of garbage being stored at the site. I started my inspection at the landscape waste/brush area. Pat Henson, Manager, was on-site during this inspection. The holding area was observed about 2/3 full of brush and processed shredded brush (photos 1-5). Brush still comes primarily from the same customer, the City of Bloomington. City trucks were observed leaving the site upon arrival for the inspection. The tub grinder was observed on the north side of the site. The trommel screen was also just east of the processed piles and appeared to have been recently operating. Most of the processed material was going to mulch processors to dye and sell to users. Pat said that the demand for mulch was still high. The ground and screened mulch was being sold as soon as it was processed. I asked Pat about the pallets and said they come from brush customers and they drop them at the landscape site and don't take them to the C&D area so they only make one stop to off-load. I said that he was allowed to accept landscape waste at that location and the C&D site could take lumber and painted wood. Landscape waste and dimensional lumber are placed back into the economic mainstream (recycled) differently.

My second area to inspect was the construction & demolition debris waste facility on the northern part of the property. The recycling sort facility was processing during this inspection. The facility receives about 150-200 tons of general construction debris per day with a large volume coming from the Urbana facility. Trucks were unloading at the facility during my inspection. The facility was processing up to 300 tons per day. The sort process has two sort lines and that has increased the volume that could be handled. The higher density items (concrete, brick, and some wood) were being automatically sorted to go down the higher density sort line and all other items continued down the normal sort line. It was estimated that there was two or three days worth of un-processed material in a couple outside piles and in the receiving building (photos 9-10). I did not find any garbage and I also did not smell any garbage. I did observe a pile of tires (photo 11) that had been piled near the receiving building. Tires were not being placed in a covered container or building to prevent the accumulation of water. The number of tires may place the facility in a tire storage facility that they are permitted as a storage site.

Along the west side of the sort facility was residue of broken wind power generator blades. The blades were mostly fiberglass with some metal. This facility does not have resources for recycling fiberglass or separating metal from fiberglass (photos 12-14).

The complainant said garbage was a problem. When I contacted the complainant, the real concern was blowing litter around the neighborhood. The facility has expanded to the east and west from the original permit making the processing and piling of materials closer to populated areas west of Bunn Street. The C&D processing area does not have any litter fences, or walls to prevent litter blowing. The permitted

area was 6 acres and the facility is using approximately 25 acres. The facility requested a modification for increased space but the modification has not been approved even though the expansion proceeded.

I left this part of the facility at approximately 11:50 a.m.

Summary of Apparent Violation(s)			
Status	Date Cited	Violation	Narrative
New	10/20/2020	21(a)	Cause or allow open dumping
New	10/20/2020	21(d)(1)	Conduct a waste storage, treatment, or disposal operation in violation of any permit conditions
New	10/20/2020	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	10/20/2020	55(a)(1)	Cause or allow open dumping of any used or waste tire
New	10/20/2020	55(k)(1)	Cause or allow water to accumulate in used or waste tires
New	10/20/2020	PC: 25	25. Operator must place wood, tires, and other unacceptable materials in covered dumpsters or vehicles adequate to prevent leachate.

Attachment Listing		
ID	Type	Description
No Attachments		

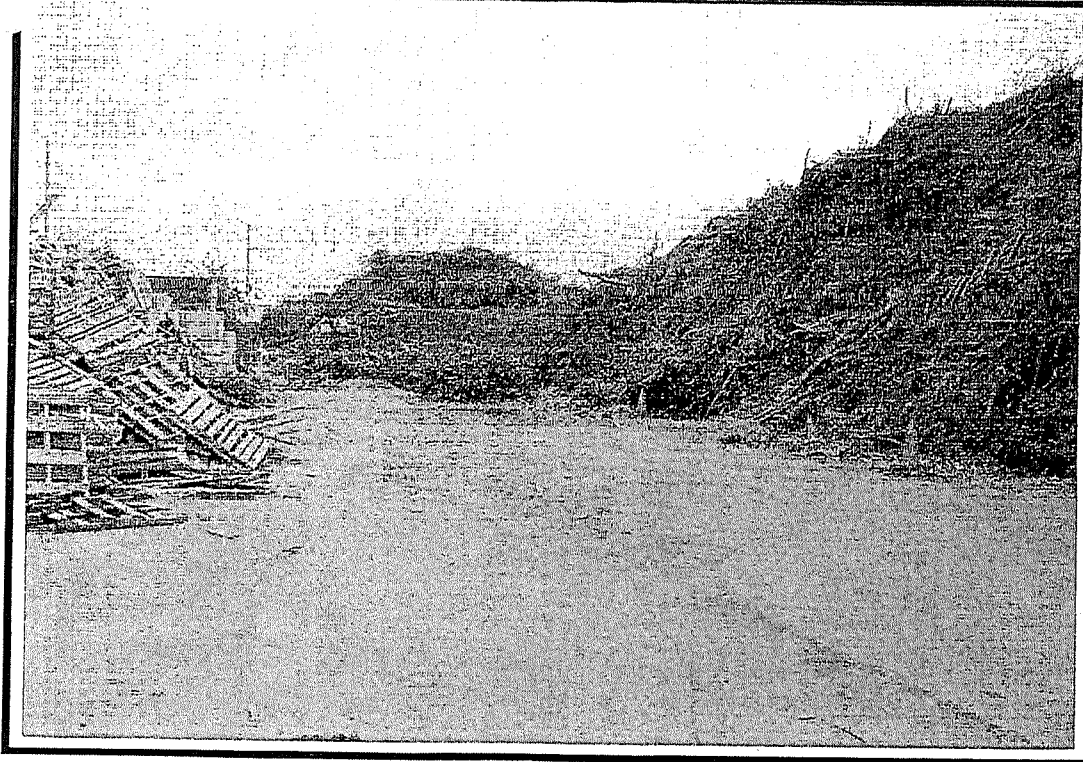
Digital Photographs



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 1
Photo Date: 10/20/2020
Photo Time: 13:16:18
Direction: North
Taken By: Michael Mullins

Pallets in landscape waste
storage area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 2
Photo Date: 10/20/2020
Photo Time: 13:16:22
Direction: North
Taken By: Michael Mullins

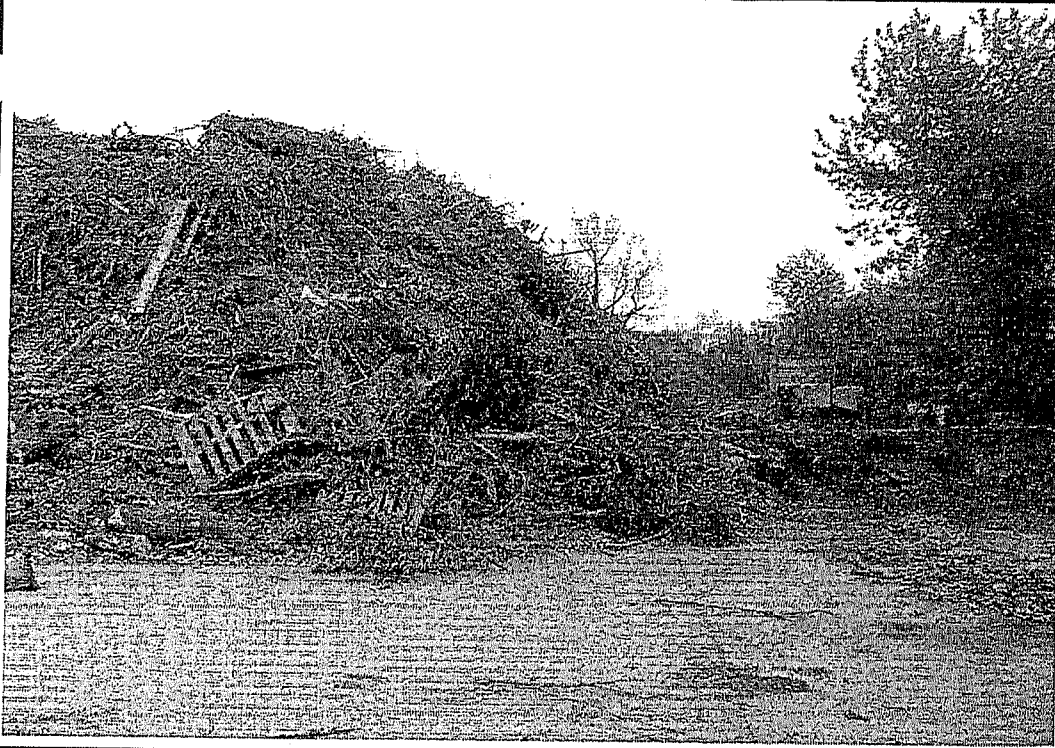
Landscape waste area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 3
Photo Date: 10/20/2020
Photo Time: 13:16:27
Direction: Northeast
Taken By: Michael Mullins

Pallets and diminsional lumber
mixed with landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 4
Photo Date: 10/20/2020
Photo Time: 13:16:31
Direction: East
Taken By: Michael Mullins

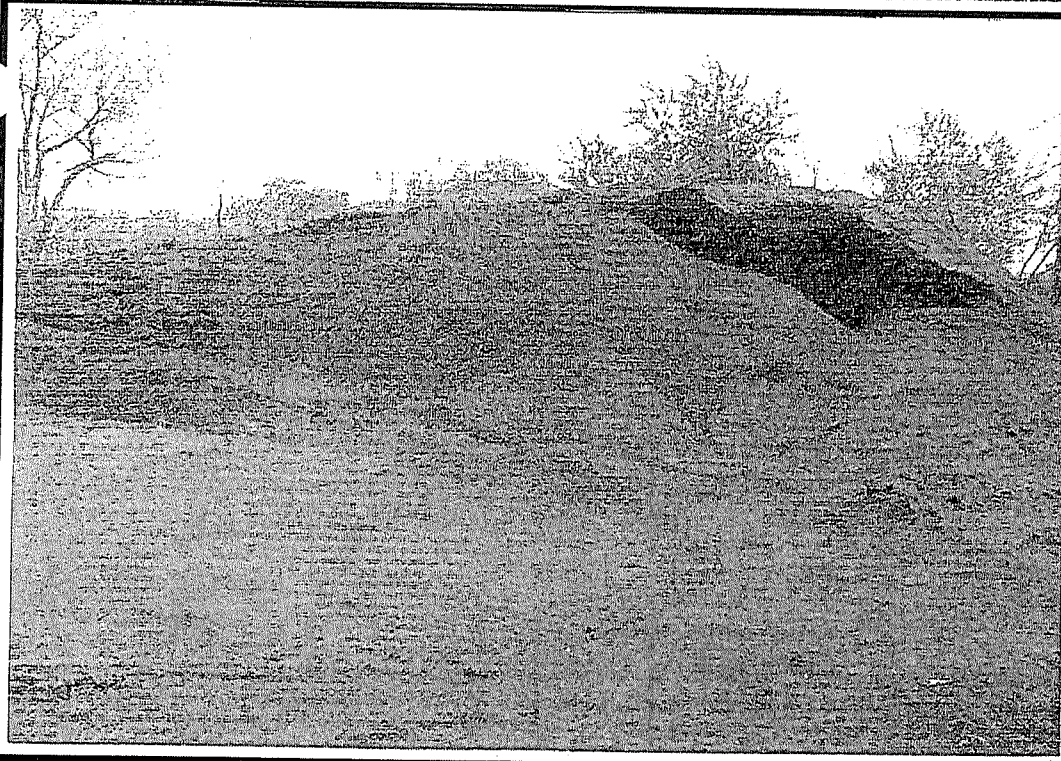
Pallets and diminsional lumber
mixed with landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 5
Photo Date: 10/20/2020
Photo Time: 13:17:29
Direction: Down
Taken By: Michael Mullins

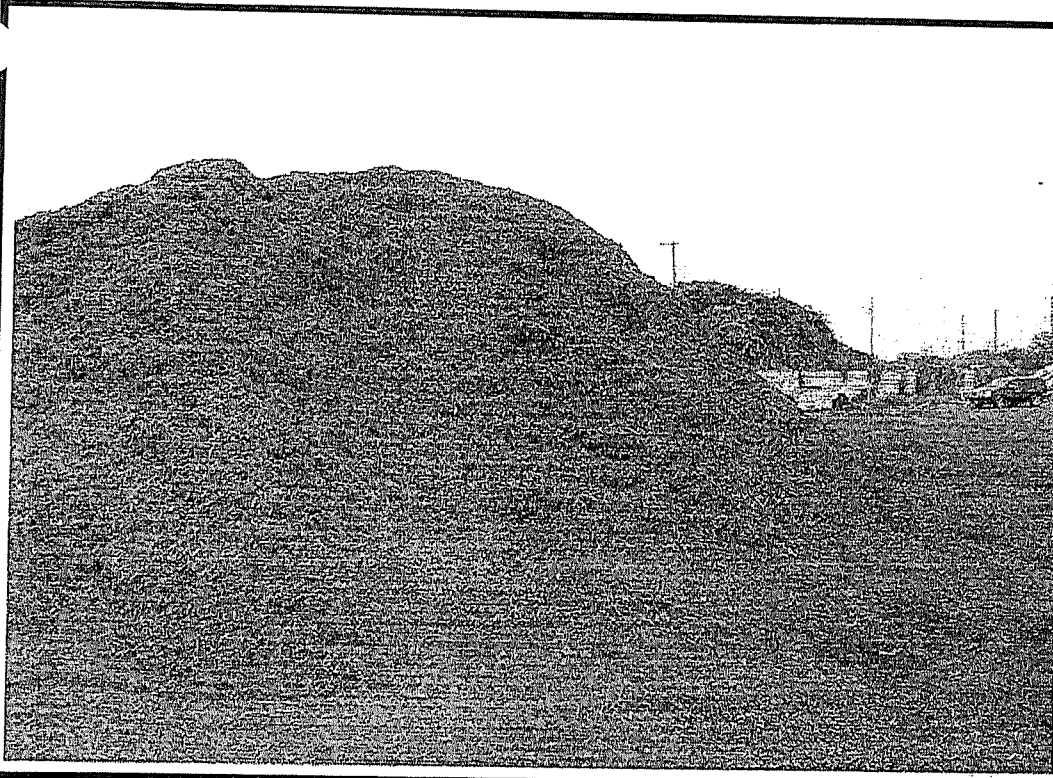
Painted dimensional lumber
mixed with brush



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 6
Photo Date: 10/20/2020
Photo Time: 13:18:38
Direction: East
Taken By: Michael Mullins

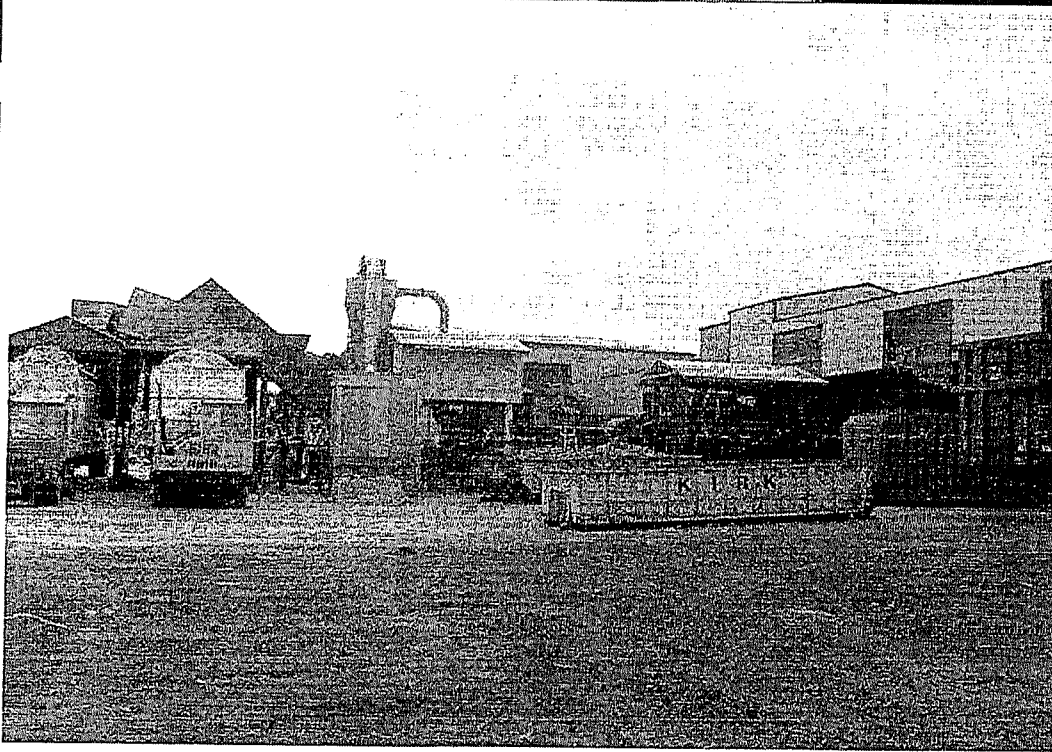
Ground and screened
landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 7
Photo Date: 10/20/2020
Photo Time: 13:18:49
Direction: North
Taken By: Michael Mullins

Ground and screened
landscape waste



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 8
Photo Date: 10/20/2020
Photo Time: 14:33:59
Direction: South
Taken By: Michael Mullins

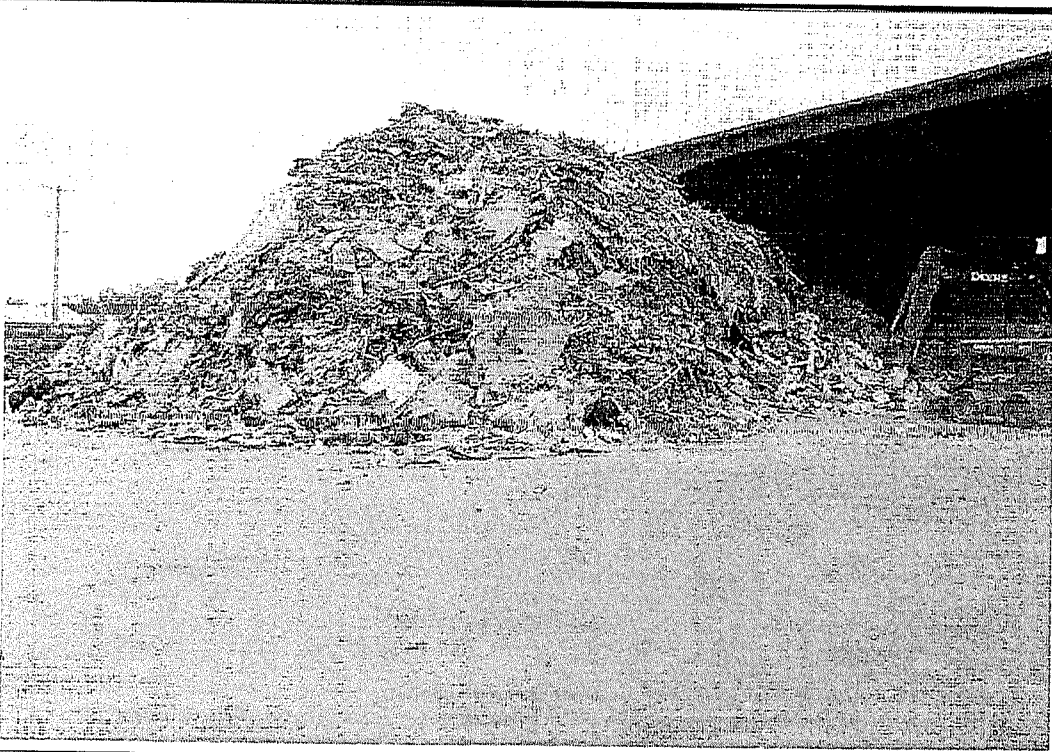
GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 9
Photo Date: 10/20/2020
Photo Time: 14:34:59
Direction: West
Taken By: Michael Mullins

GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 10
Photo Date: 10/20/2020
Photo Time: 14:35:19
Direction: Southwest
Taken By: Michael Mullins

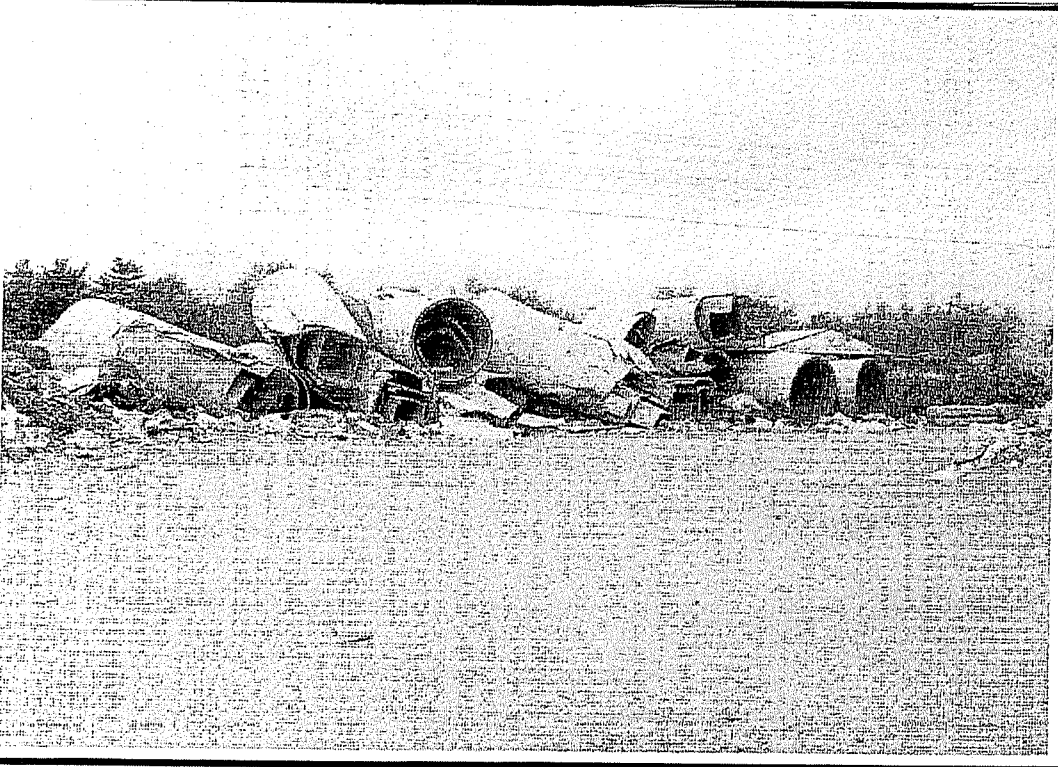
GCDD area



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 11
Photo Date: 10/20/2020
Photo Time: 14:35:50
Direction: South
Taken By: Michael Mullins

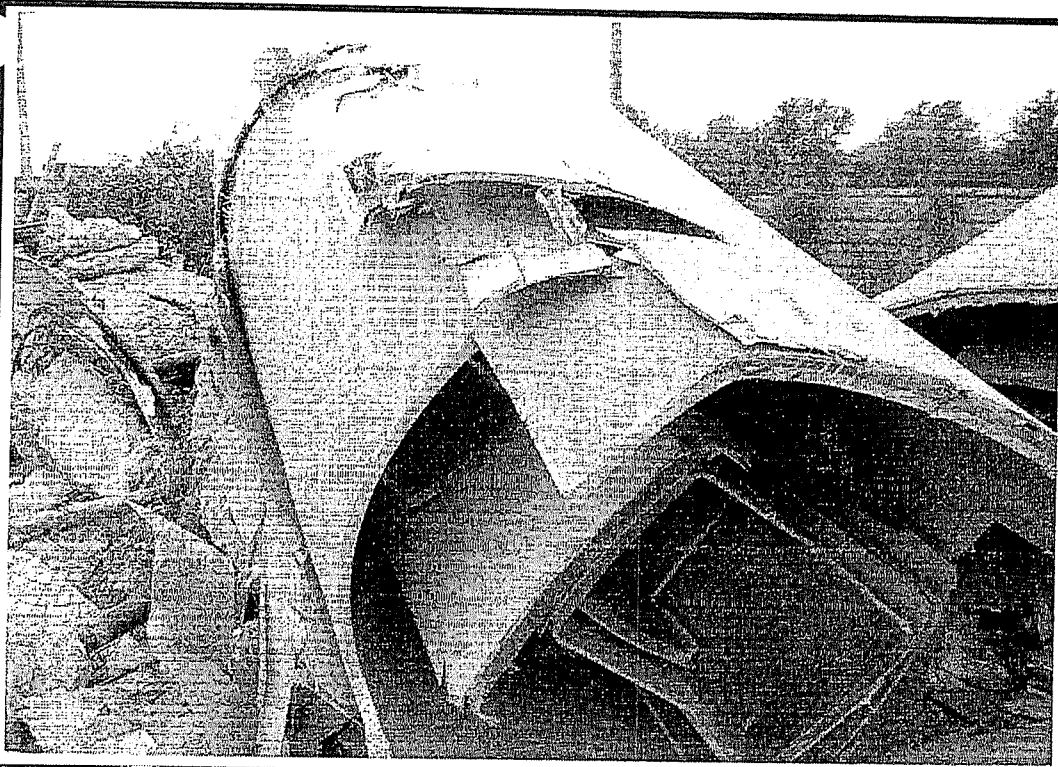
Tires.



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 12
Photo Date: 10/20/2020
Photo Time: 14:36:42
Direction: West
Taken By: Michael Mullins

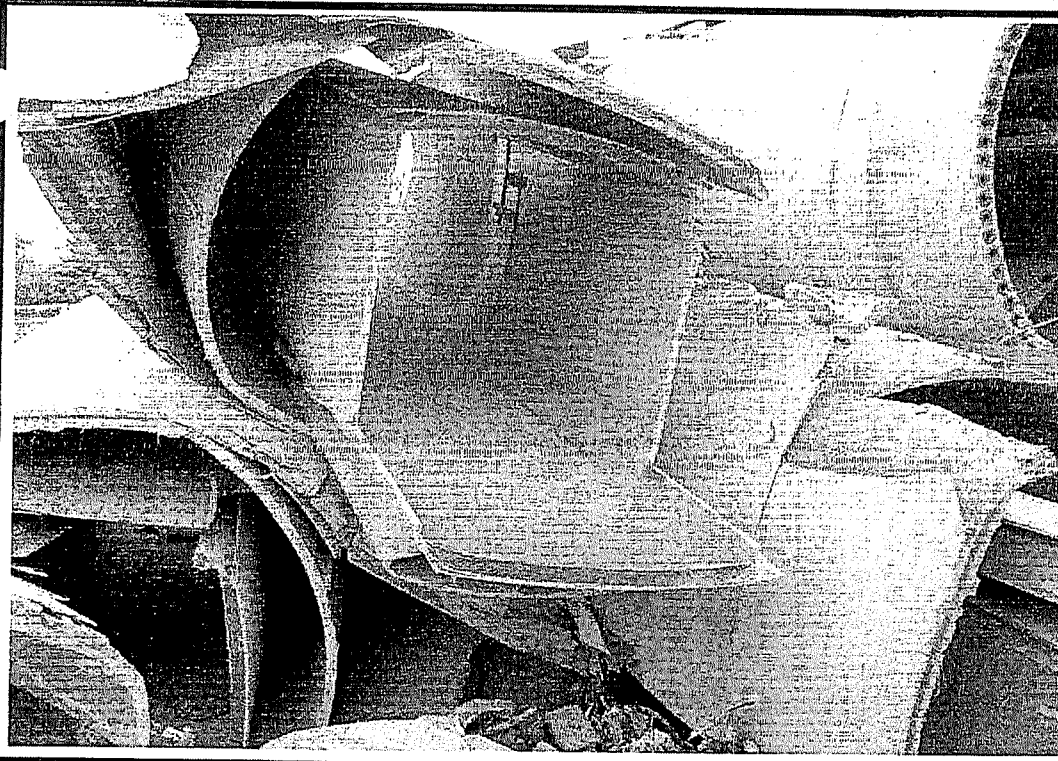
Wind turbine blades



Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 13
Photo Date: 10/20/2020
Photo Time: 14:37:17
Direction: West
Taken By: Michael Mullins

Wind turbine blades

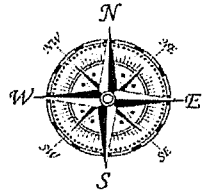


Site: Henson Bloomington
Recycling Ctr (1138045002)
McLean County

Photo ID: 14
Photo Date: 10/20/2020
Photo Time: 14:37:22
Direction: West
Taken By: Michael Mullins

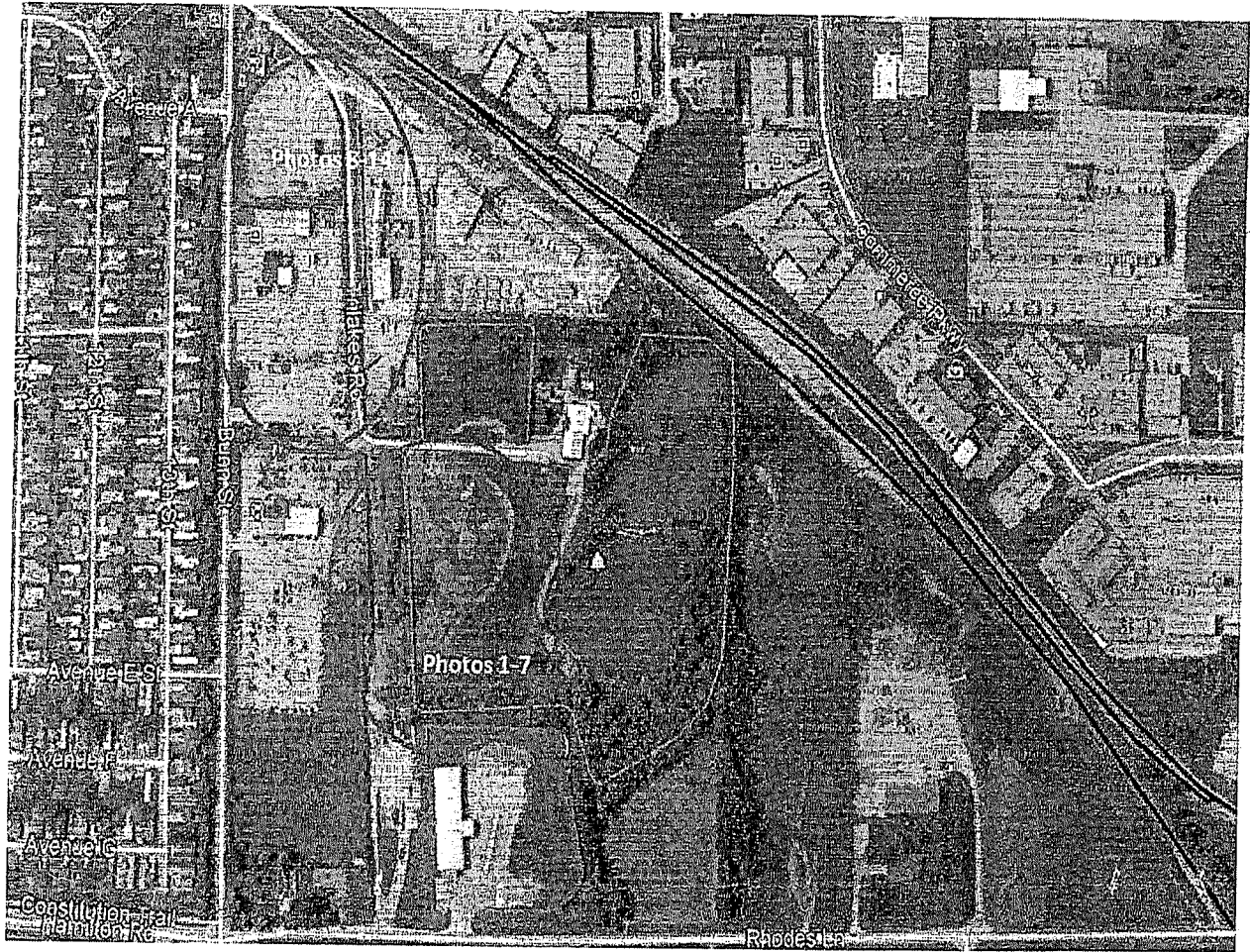
Wind turbine blades

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Site Diagram(s)

Site Diagram 1: October 20, 2020 • Henson Bloomington Recycling Ctr (1138045002) • McLean County



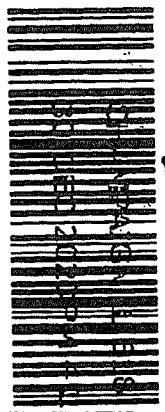


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276

2A

Handwritten: FLD

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