ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMORANDUM

CONFIDENTIAL

WITHHELD # 1

DATE: June 29, 1992

TO: EDG - Glenn Savage

FROM: Greg Kazmerski & Bob Wengrow

SUBJECT: 1030350001 -- Lee County
Nelson/C & NW Open Dump
Compliance File

On June 18, 1992, I inspected an unpermitted open dump located near Nelson, Illinois in western Lee county. The dump is owned by the Chicago and Northwestern Transportation Company. The dump is located on a triangular piece of land defined by the intersection of three sets of railroad tracks (see copy of topo map). The active portion of the dump consists of a steep slope approximately 30 feet high and 100 feet long (Photo 5 roll 740). The toe of the slope is located in the flood plain of the Rock River, backwaters of the river are approximately 100 feet from the toe of the slope (Photo 6 roll 740). Wastes at the site include: 55 gallon drums in various stages of decay (Photo 7, roll 740), burnt and unburnt tires, appliances, 5 gallon paint-type cans (Photo 9, roll 740), landscape waste and various other types of debris (Photo 10, 11 and 12 roll, 740). On the day of the initial inspection, some areas of the dump were smoldering (Photos 3, 4 and 5 roll 740). During a follow-up inspection on June 22, the dump was burning (Photos 1 and 2 roll 738).

The following violations were cited:

Section 21(p)(1) of the Act; Causing or allowing litter

Section 21(p)(3) of the Act; Causing or allowing open burning

Section 9(a) and (c) of the Act; Causing air pollution

Section 12(a) and (d) of the Act; Causing water pollution

Section 807.201 and 807.202; Operating a solid waste management site without a permit

Section 21(a) of the Act; Open dumping

Section 21(d) of the Act; Conducting waste treatment and disposal without a permit

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Section 722.111: Hazardous Waste Determination

It is recommended that the site owner/operator be sent an AWN to remove the waste material on site, sample drums, cease burning and secure the site. The site will be reinspected after the 60-day deadline.

The owner of the facility is:

The Chicago and Northwestern Transportation Company
Attn: Don York
One Northwestern Center
Chicago, Illinois 60606

cc: Division File
Rockford File
Bill Child
Rich Warrington
Compliance Unit

Illinois Environmental Protection Agency · 4302 North Main, Rockford, IL 61103

MEMORANDUM

DATE: October 15, 1992

TO: EDG - Bill Ingersol

FROM: Greg Kazmerski and Bob Wengrow

SUBJECT: PA/SI Referral for: 1030350001--Lee County
Nelson/C&NW Open Dump
Superfund - HRS

The above referenced facility is an illegal open dump owned and operated by the Chicago and Northwestern Railroad Company. The past history of the site is unknown however, it has been alleged by railroad employees that wastes of all types were dumped and buried at the site including creosote contaminated materials.

The site was referred to the Rockford Regional Office by the State Public Health department on June 2, 1992. All of the unburied waste has been removed from the site in response to an August 6, 1992 AWN. During the clean-up several drums which possibly contain creosote were removed. Analytical results of the drummed waste samples are not available yet.

The area of concern is an area defined by the intersection of three railroad tracks. The toe of the fill is set in backwaters of the Rock River. It is apparent by visual observation that a large portion of the area has been filled with non-native material.

Sampling of private wells in the town of Nelson by the LUST unit has revealed contamination of some private wells near the site by an unknown source.

The site is currently being tracked as a RCRA facility in violation of Section 722.111 of 35 Ill. Adm. Code for not having a waste analysis of the material on site.

Based on the information above, it is requested that EDG refer this for scoring for potential NPL listing.

cc: Division File
Region File
Glenn Savage
Tom Crause
Deanne Virgin

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Illinois Environmental Protection Agency · 4302 North Main, Rockford, IL 61103

MEMORANDUM

CONFIDENTIAL

WITHHELD # 3

DATE: November 9, 1992

TO: EDG - Bill Ingersol

FROM: Greg Kazmerski and Bob Wengrow

SUBJECT: 1030350001--Lee County
Nelson/C&NW Open Dump
Compliance File

The purpose of this memo is to update RCRA EDG on the status of the above referenced site.

This open dump was discovered during a June 18, 1992 complaint investigation. As a result of this inspection, several violations of the Act were cited as well as Section 722.111 of 35 Ill. Adm. Code for several drums which were partially buried at the site.

The site has been cleaned up by the site operator, The Chicago and Northwestern Transportation Company. All of the exposed waste has been removed and according to the facility contact, Brock Nelson, receipts and documentation of the clean up activities will be submitted prior to the end of the month.

Ten drums of unknown material were remaining on site at the time of the inspection. Mr. Nelson said that these were over pack drums containing drums which were excavated as part of the clean up activities. They were not going to be moved until analytical results were available.

On November 6, 1992 Mr. Nelson committed to a date of November 20, 1992 by which he will submit analytical results for the drummed material.

No progressed enforcement is requested at this time. This office will up-date EDG when the analytical results are submitted.

cc: Division File
Region File
Glenn Savage
Deanne Virgin

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State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

4302 North Main Street, Rockford, IL 61103

MEMORANDUM

CONFIDENTIAL
WITHHELD # 4

DATE: November 18, 1992

TO: EDG - Bill Ingersol

FROM: Greg Kazmerski and Bob Wengrow

SUBJECT: 1030350001--Lee County
Nelson/C&NW Open Dump
Compliance File

The purpose of this memo is to update RCRA EDG on the status of the above referenced site.

This open dump was discovered during a June 18, 1992 complaint investigation. As a result of this inspection, several violations of the Act were cited as well as Section 722.111 of 35 Ill. Adm. Code for several drums which were partially buried at the site.

On November 18, 1992 sample results of the material were received by this office. The material was classified as U051 hazardous waste. Brock Nelson, the facility contact, indicated that the material would be shipped by rail to Clinton, Iowa for disposal by November 20, 1992. There was a total of six 55 gallon drums of the material.

As a result of this information, a record review inspection was completed. The violations cited are listed on the attached list of violations. This office will hold a pre-enforcement conference meeting with representatives of C&NW on December 17, 1992.

It is requested that EDG please advise this office if any additional action should be taken concerning this site.

cc: Division File
Region File
Glenn Savage
Deanne Virgin
Paul Jaigello

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LIST OF VIOLATIONS

The following violations are violations of various sections 35 Ill. Adm Code:

1) Section 703.121(a); operating a hazardous waste management facility without a permit.

2) Section 725.111; not obtaining a USEPA identification number.

3) Section 725.113(a); failure to obtain a detailed chemical analysis of hazardous waste prior to disposal.

4) Section 725.113(b); no waste analysis plan.

5) Section 725.114(a)/(b); failure to prevent unknown entry onto premises by natural or artificial barrier.

6) Section 725.114(c); no "Danger-Unauthorized Personnel Keep Out" signs posted at the entrances to the facility.

7) Section 725.115(a); failure to inspect the facility regularly for conditions which may lead to a release or a threat to human health.

8) Section 725.115(b); failure to develop and maintain a written inspection schedule.

9) Section 725.115(d); failure to record inspection results in inspection log or summary.

10) Section 725.116(a); no personnel training.

11) Section 725.131; failure to maintain the facility in a manner which minimizes the possibility of a release.

12) Section 725.132; no internal communications or alarm systems.

13) Section 725.135; failure to allow unobstructed movement of equipment to any area of the facility.

14) Section 725.137; failure to make arrangements with local hospitals, fire departments and police for emergencies.

15) Section 725.151(a); no contingency plan.

16) Section 725.155; no emergency coordinator.

17) Section 725.173; no written operating record.

18) Section 725.175; no annual report.

19) Section 725.212(a); no written closure plan.

20) Section 725.218(a); no post closure plan.

21) Section 725.242(a); no cost of closure estimate.

22) Section 725.244(a); no cost of post closure estimate.

23) Section 725.401(a); no liner or leachate collection system for the landfill.

24) Section 725.401(b); failure to notify the agency 60 days prior to operating a hazardous waste landfill.

25) Section 725.402; failure to design, construct and operate a run-on control system and a run-off management system.

26) Section 728.139; land disposal of waste in violation of Section 3004 of the Resource Conservation and Recovery Act.

Illinois Environmental Protection Agency · 4302 North Main, Rockford, IL 61103

MEMORANDUM

CONFIDENTIAL

WITHHELD # 5

DATE: January 8, 1993

TO: EDG - Bill Ingersol

FROM: Greg Kazmerski and Bob Wengrow

SUBJECT: 1030350001--Lee County
Nelson/C&NW Open Dump
Compliance File

The purpose of this memo is to update RCRA EDG on the status of the above referenced site.

A pre-enforcement conference was held on January 7, 1993 with Don York and Brock Nelson of Chicago and Northwestern Transportation Company. The following compliance dates were set during this meeting. The company agreed to notify the USEPA of hazardous waste activities by January 22, 1993. The company will submit an annual report of hazardous waste activities by March 1, 1993. All other violations will be addressed by submittal of a closure plan prior to March 19, 1993.

It is requested that EDG please advise this office if any additional action should be taken concerning this site. It is also requested that EDG update this office concerning the October 15, 1992 PA/SI referral of the site.

cc: Division File
Region File
Glenn Savage
Deanne Virgin
Paul Jaigello

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State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

4302 North Main Street, Rockford, IL 61103

MEMORANDUM

CONFIDENTIAL

WITHHELD # 6

DATE: October 8, 1993

TO: EDG - Bill Ingersoll

FROM: Greg Kazmerski, Bob Wengrow and Paul Jagiello

RE: 1030350001--Lee County
Nelson/C&NW Open Dump
Compliance File

The purpose of this memo is to up date EDG concerning the above referenced facility.

Per the EDG Minutes dated February 1, 1993, the Permit Section was supposed to report on the closure plan submitted by this facility by April 15, 1993. As of October 4, 1993, no closure plan has been submitted to the agency. In a January 18, 1993 correspondence to Bill Radlinski (attached), the responsible party claims that the waste in question is not hazardous based on TCLP analysis. On October 7, 1993, Bob Wengrow contacted the responsible party's consultant for further details on why the material was listed as non-hazardous. The consultant asserted that he was able to identify the material as being coal tar solution as opposed to coal tar creosote by sight and smell and that coal tar solution is a non listed waste.

In light of this new information it is recommended that EDG take no further action concerning this site.

cc: Division File
Region File
Glenn Savage
Deanne Virgin
Paul Jagiello