

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HEARTLAND RECYCLING LLC)	
Petitioner,)	
)	
v.)	PCB 26-
)	(RCRA – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

Lakeshore Recycling Systems, LLC
Attn: Chastity Lee
5500 Pearl Street, Suite 300
Rosemont, IL 60018

Heartland Recycling, LLC
Attn: Patrick Whalen, Senior Vice President
EH&S
6201 West Canal Bank Road
Forest View, IL 60402-4513

PLEASE TAKE NOTICE that I have today caused to be filed a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov
Dated: July 2, 2025

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HEARTLAND RECYCLING LLC)	
Petitioner,)	
)	
v.)	PCB 26-
)	(RCRA – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to October 30, 2025, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On or about June 23, 2025, the Illinois EPA issued a final decision to the Petitioner.
2. On June 27, 2025, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five-day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about June 27, 2025.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five-day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: July 2, 2025

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 2, 2025, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

US Postal Service

Lakeshore Recycling Systems, LLC
Attn: Chastity Lee
5500 Pearl Street, Suite 300
Rosemont, IL 60018

Heartland Recycling, LLC
Attn: Patrick Whalen, Senior Vice President
EH&S
6201 West Canal Bank Road
Forest View, IL 60402-4513

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov



June 27, 2025

Illinois Environmental Protection Agency
Mail Code 33
2520 West Iles Avenue
P.O. Box 19276
Springfield, IL 62794-9276

**Re: 90-Day Extension Request
Heartland Recycling LLC – IL0310930005
Log No. C-908
RCRC Closure Plan**

Dear Mr. Gary Ko:

On behalf of Heartland Recycling LLC and Oscar (IL) LLC, Lakeshore Recycling Systems, LLC (LRS), respectfully submits this 90-day extension request. On Monday, June 23, 2024, LRS received a letter from the Illinois Environmental Protection Agency (IEPA) dated June 23, 2025, regarding the proposed Resource Conservation and Recovery Act (RCRA) Closure Plan for the the Heartland Recycling facility. The extension is requested to allot us time to revise the RCRA Closure Plan.

If you have any questions or comments regarding this submittal, please feel free to contact us at (224) 301-6288.

Sincerely,

Lakeshore Recycling Systems, LLC

A handwritten signature in blue ink that reads "Chastity Lee".

Chastity Lee
Project Manager



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2520 WEST ILES AVENUE, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JAMES JENNINGS, ACTING DIRECTOR

217/524-3301

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

9589 0710 5270 0389 7036 67

JUN 23 2025

OWNER

Oscar (IL) LLC
Attn: Sam Rubenstein, Vice President
One Manhattan West
395 9th Avenue, 58th Floor
New York, New York 10001

OPERATOR

Heartland Recycling LLC
Attn: Patrick Whalen, Senior Vice President
EH&S
6201 West Canal Bank Road
Forest View, Illinois 60402-4513

Re: 0310930005 -- Cook County
Heartland Recycling, LLC
IL0310930005
Log No. C-908
RCRA Closure – 24B
RCRA Closure Final Action

Dear Mr. Rubenstein:

This letter is in response to a submittal entitled, “Resource Conservation and Recovery Act Closure Plan for a Container 90-day Accumulation Area”, submitted by Michael Hillebrenner of Roux Associates, Inc., on behalf of Heartland Recycling, LLC, dated October 24, 2024, and was received by Illinois EPA on November 8, 2024. The submittal was made in an effort to provide a RCRA interim status closure plan for a hazardous waste accumulation area (Process Codes S01) at the above-referenced facility and in a partial response to violation notices issued to the facility (Violation Notices L-2023-00283 and L-2023-00284). Heartland Recycling facility is located at 6201 Canal Bank Road, Forest View, in Cook County, Illinois. The submittal was assigned a RCRA Closure Log No. C-908.

The facility is an Illinois EPA-permitted transfer station and consists of a large building (office, recycling center, and transfer station building), a smaller sorting line, and a long yard with stalls and piles of materials. Municipal solid waste (MSW), construction and demolition (C&D), landscape waste, recyclables, and non-hazardous special liquid waste are managed on-site. Next to the transfer station building is the solidification area for the non-hazardous liquid waste. The non-hazardous liquid waste is mixed with the facility’s permit approved list of absorbents which may include, but is not limited to, onsite processed wood chips. This special waste is then sent to Zion Landfill. The facility is not permitted to accept hazardous waste.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
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

0310930005 – Heartland Recycling, LLC

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On April 27, 2023, a shipment from VLS Milwaukee was received containing unintended drums of hazardous waste which were unloaded into Solidification Pit 1 (North Pit) and Mixing Pit 1 for solidification. A portion of solidified hazardous waste assumed as non-hazardous waste was sent to Eco Hill Landfill and accepted on two separate load tickets.

Upon discovery of the hazardous waste included in the April 27, 2023 shipment, North Pit 1 and Wheel Loader 48, which were used in the solidification process, were washed out. Liquid hazardous wash water was solidified, and the resulting hazardous waste contaminated mixture was containerized in two-lined and covered 30-yard roll-off containers stored at the waste accumulation area on site. The hazardous waste accumulated contained the following wastes: Methyl Ethyl Ketone (MEK) and waste paint, which are associated with hazardous waste codes D001, D035, F003 and F005.

The Illinois EPA has reviewed the subject RCRA Closure Plan and determined that it cannot approve the closure at this time for the following reasons:

1. While the Illinois EPA acknowledges the efforts performed by Heartland Recycling to adhere to the RCRA Closure Plan guidelines, the submittal does not constitute a complete closure plan as identified in the "Content of Closure Plan" located in Title 35 Illinois Administrative Code (35 IAC), 725.212(b) and the Illinois EPA's "Guidance for Preparing RCRA Closure Plans" dated July 2003 (Closure Guidance). A copy of the Closure Guidance is attached to this letter.
2. Multiple areas of the facility were used to manage, transfer, and store the hazardous waste. Additional details need to be provided, specifying the exact path and management of the hazardous waste, including any produced or remaining on-site hazardous residues associated with decontamination on the activities of facility, from the initial unloading to the transfer and disposal of any hazardous waste materials at the landfill.
3. A complete description of the facility is required including the following:
 - a. An introductory section providing details to the incidents leading to a submittal for a closure plan.
 - b. The type of facility based on the Standard Industrial Code from the US Department of Labor.
 - c. The total size of the facility.
 - d. Description of the facility operational practices and manufacturing processes.
 - e. A chronological overview of activities conducted at the facility to describe the receipt of the hazardous waste shipment through disposal and decontamination steps.

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- i. Identification of all parties involved in closure activities.
4. Based on the information provided in accordance with Conditions 2 and 3 above, the facility must identify hazardous waste unit(s) (HWMUs), where hazardous waste or hazardous constituents were managed and provide appropriate closure plan for the areas.
5. North Pit and Mixing Pit 1 are units considered to require RCRA closure due to the nature of the activities associated with the hazardous waste shipment managed at the facility. As structural decontamination of the North Pit and Mixing Pit 1 were unverified, a work plan must be developed detailing decontamination measures utilized on the indicated areas in accordance with 35 IAC 725.212 and submitted to Illinois EPA for review and approval. Management of residue wash water and rinsewater obtained from decontamination must also be described. The work plans should include photographs identifying the date taken and the orientation of the photograph depicted on a scaled drawing. After cleaning structural surfaces associated with the hazardous waste, an independent registered professional engineer from the State of Illinois must inspect the integrity of the surfaces.
6. A revised closure plan must also provide a detailed description of each applicable HWMU identified at the site to include the following information:
 - a. Identification of wastes managed in the unit, including:
 - i. Waste type name(s) and EPA Hazardous Waste Code(s).
 - ii. waste Analysis.
 - iii. Hazardous constituents and underlying constituents, as appropriate.
 - iv. Total amount of hazardous waste managed and disposed by volume.
 - b. A full description of any primary and secondary containment structure, if available. A separate integrity inspection of the structures after complete decontamination as described in Condition 4 must be conducted by a State of Illinois licensed independent registered professional engineer to include:
 - i. Individual containment dimensions.
 - ii. Base thickness.
 - iii. Type of construction material composition.
 - iv. Containment features.

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- v. Integrity of the containment including significant damages affecting integral damage.
 - c. A revised LPC PA-18 Form must include any additional HWMU(s) identified.
7. While some of the hazardous wastes have been described in accordance with 35 IAC 721 Appendix G, the facility must also demonstrate measures taken to protect personnel including contractors and visitors. The closure plan must include a health and safety plan to include tire prevention for the expected hazardous wastes indicated.
8. The facility must provide scaled maps which clearly identify the following:
 - a. A survey plat developed showing the location and dimensions of the units being closed as land disposal units relative to the legal boundaries of the facility. The plat must be prepared and certified by a professional land surveyor and developed with respect to permanently surveyed benchmarks, as required by 35 IAC 725.216
 - b. The location of the facility on USGS topographic or county map. The layout of the facility must identify site boundaries and all hazardous waste management units. Map scale of one inch must be equal to no more than 200 feet.
 - c. A description of surrounding local land use, including commercial and industrial areas. Proximity to public areas including parks, schools, and residential zones should also be discussed and depicted.
 - d. Drains, sewers, sumps, trenches, and other appurtenant structures surrounding the HWMU. Drainage pathways must indicate directional flow by arrows.
9. No exposure pathways can be excluded until all requirements of 35 IAC 742 Subpart C are met. Under RCRA interim status closure, the vertical and horizontal extent of concentrations and contamination must be clearly defined.
10. The proposed utilization of direct push method ASTM D6282 must be evaluated against acceptable ASTM method D6001-96 for direct push sampling. The proposed direct push method ASTM D6282 must clearly demonstrated in a report addressed to the Illinois EPA to meet or exceed the standards found in ASTM method D6001-96.
11. Proposed decontamination method of reusable equipment, ASTM 5088, must be shown to be carried out in accordance with SW-846. The procedures used to decontaminate the equipment should also be described in detail. Additionally, while the potential for cross contamination after equipment decontamination method ASTM 5088 is considered low, a report assessing the potential for cross contamination must be included demonstrating that additional equipment blanks is unnecessary.

0310930005 – Heartland Recycling, LLC

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12. The Illinois EPA cannot accept the terms regarding low chances of cross contamination for trip blanks. To demonstrate adherence to EPA Method 8260D, qualitative readings for soil sampling must utilize unused trip blanks as indicated in Sections 4.5 and 9.5 of EPA Method 8260D.
13. In the event during the soil investigation, it has been determined that contaminants have extended to groundwater, the facility will be required to submit a supplemental work plan to address the extent of groundwater contaminant migration in the vicinity of the facility. In addition, it may be necessary for the facility to install groundwater monitoring wells and implement a groundwater monitoring program in accordance with 35 IAC 725, Subpart F, to assess the quality of groundwater beneath the affected area(s) and to determine the extent of any contamination above the applicable Tier 1 Groundwater Remediation Objectives in 35 IAC Part 742.
14. The facility did not provide a cost estimate to complete closure at this facility. The cost estimate must be based on third party costs using the current dollar value in accordance with 35 IAC 725.242. The closure cost must include a minimum of an additional 10% contingency.
15. In accordance with 35 IAC 725.243, the facility must establish financial assurance for closure of the HWMUs for the amount of cost estimate as required in Condition 14 above and approved by the Illinois EPA.
16. In order to meet the requirements of 35 IAC 725.211, a revised closure plan addressing all the deficiencies in this letter must be submitted to the Illinois EPA within 30 days of the date of this letter. Once a revised closure plan is submitted, the Illinois EPA will continue the review process with the goal of approving a final closure plan.

This letter shall constitute Illinois EPA's final decision on the subject submittal. The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
2520 West Iles Avenue
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

0310930005 – Heartland Recycling, LLC

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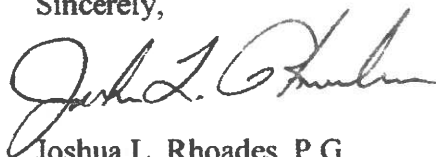
For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605-1241
312/814-3620

Work required by this letter, your submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

For any questions associated with this project, please contact Gary Ko at 217/557-1434 or gary.ko@illinois.gov.

Sincerely,



Joshua L. Rhoades, P.G.
Permit Section Manager
Bureau of Land

^{6/3/16}
JLR: GBK: 0310930005-RCRA-C-908-Denial.docx

TNH

Attachments: Illinois EPA Guidance for Preparing RCRA Closure Plans, July 2003

cc: Martin J. Hamper, Roux