

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of: )  
Petition of BFI Waste Systems ) AS 08-5  
of North America, Inc. for an ) (Adjusted Standard-Land)  
Adjusted Standard Waste ) (Waste Delisting)  
Delisting )

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STATE OF ILLINOIS  
Pollution Control Board

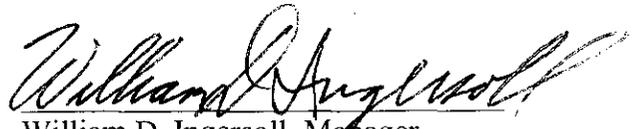
NOTICE OF FILING

To: Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Patricia F. Sharkey  
McGuire Woods LLP  
77 West Wacker Drive, Suite 4100  
Chicago, Illinois 60601

Mary A. Gade, Regional Administrator  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Please take notice that I have filed today with the Illinois Pollution Control Board the attached Illinois Environmental Protection Agency's Amended Response to the Petition for Adjusted Standard Waste Delisting on behalf of the Illinois Environmental Protection Agency, copies of which are served upon you herewith.

  
William D. Ingersoll, Manager  
Enforcement Programs

William D. Ingersoll, Manager  
Enforcement Programs  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217/782-9827  
Date: April 21, 2008

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STATE OF ILLINOIS  
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S AMENDED  
 RESPONSE TO THE PETITION FOR ADJUSTED STANDARD WASTE DELISTING

Now comes the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, William D. Ingersoll, Manager, Enforcement Programs, and, pursuant to 35 Ill. Adm. Code 104.418(c), hereby submits an amended response to the Illinois Pollution Control Board ("Board") to the petition for adjusted standard ("Petition") filed by BFI Waste Systems of North America, Inc. ("BFI" or "Petitioner").

BFI's Petition for Adjusted Standard Waste Delisting was filed with the Board on November 21, 2007. The Illinois EPA filed its Response to the Petition for Adjusted Standard Waste Delisting on March 25, 2008. Discussions have been held between BFI and the Illinois EPA subsequent to the Illinois EPA's filing of its Response to the Petition for Adjusted Standard Waste Delisting. On April 14, 2008 BFI filed a Motion To Amend Petition For Adjusted Standard Waste Delisting. BFI in its amendment to its Petition proposes to amend the language of the Adjusted Standard to clarify the intended scope of the Adjusted Standard. BFI is proposing amendatory language which would clarify that the delisting would only apply to leachate which is transported to and received by a permitted waste water treatment facility located in Illinois which has a Pretreatment Program which has been approved by the United States Environmental Protection Agency. BFI also proposes to amend the Adjusted Standard language to include specific testing requirements for the leachate. BFI's proposed amendatory language to the proposed Adjusted Standard has addressed the Illinois EPA's concerns with the Adjusted Standard as originally requested. If BFI's Motion To Amend Petition For Adjusted Standard Waste Delisting is granted by the Board, then the Illinois EPA would amend its Response to the Petition for Adjusted Standard Waste Delisting by amending its responses to the Section 104.406 factors as follows:

**Section 104.406(c) – Level of justification**

BFI's proposed amendatory language to the proposed Adjusted Standard has addressed the Illinois EPA's concerns with the Adjusted Standard as originally requested.

**Section 104.406(f) – Proposed adjusted standard**

BFI, in its proposed amendatory language to the Adjusted Standard as included in its Motion To Amend Petition For Adjusted Standard Waste Delisting has addressed the Illinois EPA's concerns regarding releases of the leachate while in transport prior to delivery to a waste water treatment facility.

**Section 104.406(g) – Quantitative and qualitative impact on the environment**

BFI, in its proposed amendatory language to the Adjusted Standard as included in its Motion To Amend Petition For Adjusted Standard Waste Delisting has addressed the Illinois EPA's concerns regarding releases of the leachate while in transport prior to delivery to a waste water treatment facility.

**Section 104.406(h) – Justification of the proposed adjusted standard**

The Illinois EPA's concern with the adjusted standard as originally requested related to the release of the leachate while in transport prior to delivery to a waste water treatment facility. BFI, in its proposed amendatory language to the Adjusted Standard as included in its Motion To Amend Petition For Adjusted Standard Waste Delisting has addressed the Illinois EPA's concerns regarding releases of the leachate while in transport prior to delivery to a waste water treatment facility.

**Section 104.406(i) – Consistency with federal law**

The Petition at page 24 sets forth BFI's statement with regard to consistency with federal law. The Illinois EPA does not take issue with BFI's statements on this topic in that federal law provides the regulatory framework for delisting hazardous waste.

**Section 104.406(k) – Supporting documents**

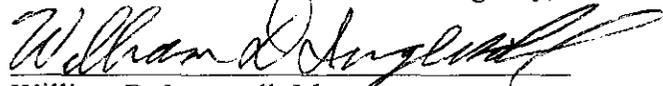
The Illinois EPA does not take issue with BFI's statement on this topic.

The comments made above for the factors set forth in Section 104.406 apply to the Section 28.1 factors as well as the 720.122 factors.

WHEREFORE, for the reasons stated above, the Illinois EPA does not object to the adjusted standard requested by BFI.

Respectfully submitted,

Illinois Environmental Protection Agency,



William D. Ingersoll, Manager

Enforcement Programs

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-9827

Date: April 21, 2008

State of Illinois )  
County of Sangamon )  
)

Proof of Service

I, the undersigned, on oath state that I served the attached Illinois Environmental Protection Agency's Amended Response to the Petition For Adjusted Standard Waste Delisting upon the following persons, by placing a copy in an envelope addressed to:

Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

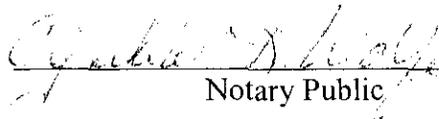
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Chicago, Illinois 60601

Mary A. Gade, Regional Administrator  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

and mailing it by First Class U.S. mail from Springfield, Illinois on April 21, 2008, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME  
this 21 day of April, 2008

  
\_\_\_\_\_  
Notary Public