

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
RCH NEWCO II)	
)	
Petitioner,)	
)	PCB 24-66
)	(Permit Appeal - RCRA)
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board RCH Newco II, LLC's Open Waiver of 120-Day Decision Deadline a copy of which is herewith served upon you.

Dated: August 28, 2024

RCH NEWCO II, LLC

By: /s/Jennifer T. Nijman

Jennifer T. Nijman
Kristen L. Gale
Andrew T. Nishioka
NIJMAN FRANZETTI LLP
10 South LaSalle Street Suite 3400
Chicago, IL 60603
(312) 251-5590
jn@nijmanfranzetti.com
kg@nijmanfranzetti.com
dn@nijmanfranzetti.com

SERVICE LIST

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Don.Brown@illinois.gov

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Brad.Halloran@illinois.gov

Kevin Garstka
Molly Kordas
Justin Bertsche
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773)-590-7029
(773)-590-7047
Kevin.Garstka@ilag.gov
Molly.Korday@ilag.gov
Justin.Berstche@ilag.gov

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Open Waiver of 120-Day Decision Deadline on behalf of Petitioner, RCH Newco II, LLC was electronically filed on August 28, 2024 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
don.brown@illinois.gov

and that copies were sent via e-mail on August 28, 2024 to the parties on the service list.

Dated: August 28, 2024

/s/Jennifer T. Nijman

Jennifer T. Nijman
Kristen L Gale
Andrew T. Nishioka
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3400
Chicago, IL 60603
(312) 251-5590
jn@nijmanfranzetti.com
kg@nijmanfranzetti.com
dn@nijmanfranzetti.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
RCH NEWCO II)	
)	
Petitioner,)	
)	PCB 24-66
)	(Permit Appeal - RCRA)
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

OPEN WAIVER OF 120-DAY DECISION DEADLINE

Petitioner, RCH NEWCO II. (“Petitioner”), pursuant to 35 Ill. Admin. Code §101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board in the above-referenced proceeding. In support, the Petitioner states as follows:

1. On July 19, 2024, Petitioner filed an Appeal of Illinois Environmental Protection Agency’s (“Respondent”) Final Determination to extend the post-closure care period and financial assurance for a 2-acre closed RCRA Hazardous Waste Management Unit (“Final Determination”).
2. On August 22, 2024, the Illinois Pollution Control Board granted Petitioner’s request for a stay of the Respondent’s Final Determination finding that the automatic stay under Section 10-65(b) of the Illinois Administrative Procedures Act applied. 5 ILCS 100/10-65(b).
3. Petitioner and Respondent are currently involved in discussions which may lead to the resolution of this matter and also are concurrently scheduling written and oral discovery.

4. To allow for time to conduct discovery and settlement discussions, Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline.

WHEREFORE, Petitioner, RCH NEWCO II., requests that the Illinois Pollution Control Board accept this open waiver of the statutory 120-day decision deadline on Petitioner's Appeal of Illinois EPA's Final Determination.

Dated: August 28, 2024

Respectfully Submitted,

RCH NEWCO II

By: /s/ Kristen L. Gale
One of its Attorneys

Jennifer T. Nijman
Kristen L. Gale
Andrew Nishioka
Nijman Franzetti LLP
10 S. LaSalle St, Suite 3600
Chicago, Illinois 60603
(312) 262-5524
jn@nijmanfranzetti.com
kg@nijmanfranzetti.com
dn@nijmanfranzetti.com