

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RCH NEWCO II,)	
)	
Petitioner,)	
)	
v.)	PCB 2024-066
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: *See Attached Service List*

PLEASE TAKE NOTICE that on October 10, 2024, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the attached Respondent's Corrected Index of Record on Appeal which is hereby served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

s/ Kevin Garstka
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CERTIFICATE OF SERVICE

I, Kevin Garstka, an Assistant Attorney General, hereby certify that on October 10, 2024, I caused to be served the foregoing Notice of Electronic Filing and Respondent's Corrected Index of Record on Appeal upon the parties named on the attached Service List via email.

s/ Kevin Garstka

Kevin Garstka

Assistant Attorney General

Office of the Illinois Attorney General

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CORRECTED INDEX OF RECORD ON APPEAL

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), in accordance with the procedural rules of the Illinois Pollution Control Board (“Board”) as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files in this cause the Illinois EPA’s Administrative Record of March 13, 2024 Final Determination for Facility No. ILD990785453, Log No. C-68, extending the RCRA Post Closure care period thirty years beyond the January 1, 2023 and to require Newco to maintain post closure financial assurance for the site located at New Avenue and Ceco Road in Lemont, Illinois (“Record on Appeal”), that consists of the following documents as set out in this Corrected Index.

This Corrected Index is submitted because the attachments to RCH Newco’s December 19, 2022 Public Comment Letter (Letter), contained in No. 22 Hearing Record Exhibit 4 (R 000169-000174), were separated from the Letter. This Corrected Index identifies the three attachments (No. 27-29, R000276-000730) and clarifies that they should be attached to the Letter.

I. Agency Review Documents

1. S. Nightingale (IEPA BOL) Letter to K. Shudy (RCH Newco II) June 2, 2009, Approving Modifications to Interim Status Closure/Post Closure Plan (R 000001-000003);
2. V. Slayton (IEPA BOL) Letter to K. Shudy (RCH Newco II), March 27, 2023, re Violation Notice L-2023-00075 attached to November 11, 2022, Inspection Report (R 000004-000017);
3. Kelly Huser (IEPA BOL) Detailed File Review August 21, 2023, on ILD990785453, Log C-68 Extension of RCRA Closure Plan (R 000018-000022);

4. Email K. Rominger (IEPA BOL) to R. Watson (IEPA RCRA) forwarded to K. Huser (IEPA BOL) and T. Halteman (IEPA BOL), November 2, 2022, re RCH Newco (R 000023-000024);
5. J. Cooperider (IEPA BOL) Letter to W. Sawitz (RCH Newco II) dated March 13, 2024, Final Determination to Extend Post-Closure Care for Facility No. ILD990785453, Log C-68 with Attachments (R 000025-000092); and
6. Kelly Huser (IEPA BOL) Review Notes on ILD990785453, Log No. C68 Extension of RCRA Closure Plan (R 000093-000110).

II. Other Documents Reviewed

7. USEPA Memorandum, Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA updated December 15, 2016 (R 000111-000129);
8. T. Halteman (IEPA RCRA) June 17, 2022, email re City of North Chicago Request to Terminate Post Closure Plan For Former Lavin Site ILD091250007, Log No. C-656-M25, Reasons for RCRA Post Closure Permit (R 000130-000132);
9. R. Watson (IEPA RCRA) Memorandum to K. Rominger (IEPA BOL) July 20, 2022, re City of North Chicago Request to Terminate Post Closure Plan For Former Lavin Site ILD091250007, Log No. C-656-M25 (R 000133-000136); and
10. Association of State and Territorial Solid Waste Management Officials, Position Paper, Approved July 20, 2022, Post Closure Care Beyond Thirty Years at RCRA Subtitle C Facilities (R 000137-000138).

III. Public Hearing

11. R. Watson (IEPA RCRA) Letter to W. Sawitz (RCH Newco II) November 15, 2022, Notification of Post Closure Care Period Extension (R 000139-000142);
12. Email chain between C. Metz (IEPA) to K. Huser (IEPA RCRA), December 19, 2022, attaching RCH Newco Public Comment to Notice to Extend Post Closure (R 000143-000149);

13. K. Huser Review Notes for Notification of Public Hearing February 23, 2023, attached to January 24, 2023, email attached to RCH Newco counsel correspondence requesting withdrawal of public hearing request (R 000150-000154); and
14. J. Cooperider (IEPA BOL) Letter to W. Sawitz (RCH Newco II) February 27, 2023, re Notice of Public Hearing on Public Comments submitted December 19, 2022 (R 000155).

IV. Public Hearing Documents

15. RCH Newco II, LLC Public Participation Checklist for Extension of Post Closure Care Period for Interim Status RCRA Site November 18, 2022-June 2023 (R 000156);
16. IEPA Public Notice of Hazardous Waste Post Closure Care Extension at RCH Newco II, LLC Facility between New Avenue and Ceco Road, Lemont, IL (R 000157);
17. Publication of Public Notice in Daily Herald Will County, of Hazardous Waste Post Closure Care at RCH Newco II, LLC Facility on November 18, 2022 (R 000158);
18. Transmittal Memorandum Jeff Guy (Hearing Officer) to K. Huser (IEPA RCRA) May 26, 2023, RCH Newco II, LLC Hearing Record (R 000159-000160);
19. Hearing Record Exhibit 1: Memorandum K. Rominger (IEPA BOL) to J. Kim (Director) re RCH Newco II Request for Public Hearing on Extension of Post Closure Care for Interim Status RCRA Site (R 000161-000162);
20. Hearing Record Exhibit 2: IEPA Public Notice of Public Comment Period and Public Hearing for Proposed Extension of Post-Closure Care for Hazardous Waste Landfill RCH Newco II, LLC in Lemont, IL (R 000163-000164);
21. Hearing Record Exhibit 3: Letter R. Watson (IEPA BOL) to W. Sawitz (RCH Newco II) November 15, 2022 re RCH Newco II LLC New Avenue and Ceco Road Lemont, IL RCRA Closure (R 000165-000168);
22. Hearing Record Exhibit 4: Letter J. Nijman (Newco Counsel) to C. Metz (IEPA) December 19, 2022 re Public Comment on RCH Newco II, LLC RCRA Post Closure Care Period Extension (R 000169-000174);
23. Hearing Record Exhibit 5: IEPA Public Hearing Recording Link (R 000175);

24. Hearing Record Exhibit 6: Public Hearing Transcript April 19, 2023 Proposed Extension of Post Closure Care for Hazardous Waste Landfill RCH Newco II, LLC in Lemont, IL (R 000176-000206);
 25. Hearing Exhibit 7: IEPA Final Determination Letter March 13, 2024 with Attachments (R 000207-000274);
 26. Hearing Exhibit 8: Email Notification of RCH Newco II Proposed Extension of Post Closure Care Final Determination and Responsive Summary (R 000275);
- * NOTE: The following three Exhibits, A, B, and C (R000276-000730), were attached to and are attachments of RCH Newco's December 19, 2022 Public Comment Letter contained in Hearing Record Exhibit 4 (R 000169-000174)*
27. Exhibit A: Carlson Environmental RCRA Facility Investigation Phase I Report Robertson Ceco Corporation May 1996 (R 000276-000590);
 28. Exhibit B: P. Ketchem Memorandum to BOL File April 11, 2022, RCRA 2021 Annual Groundwater Monitoring Report RCH Newco II LLC (R 000591-000717); and
 29. Exhibit C: Deed Restriction Robertson - Ceco Corporation Property Recorded in Will County on February 17, 2000 (R 000718-000730).

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

s/ Kevin Garstka

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