

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BFI WASTE SYSTEMS OF NORTH AMERICA, LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2025-012
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

To: *See Attached Service List*

PLEASE TAKE NOTICE that on the of February 4, 2025, I caused to be filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the attached Index of Record, Certification of Record, and Record on Appeal, copies of which are attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ Christopher J. Grant  
Christopher J. Grant  
Senior Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, IL 60602  
312-814-5388  
[Christopher.Grant@ilag.gov](mailto:Christopher.Grant@ilag.gov)

**SERVICE LIST**

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Illinois Pollution Control Board  
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**CERTIFICATE OF SERVICE**

I, Christopher J. Grant, a Senior Assistant Attorney General, hereby certify that on the 4<sup>th</sup> day of February, 2025, I caused to be served the foregoing Notice of Electronic Filing and Index of Record, Certification of and Record on Appeal, upon the parties named on the attached service list by electronic mail and record will be sent via file transfer link.

*/s/ Christopher J. Grant*

Christopher J. Grant

Senior Assistant Attorney General

Environmental Bureau

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.	)	

**RECORD ON APPEAL**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of Final Decision post closure care and evaluation of closed Hazardous Waste Unit, Phase I Landfill located at BFI Waste System of North America, LLC, Davis Junction on July 29, 2024, which is attached and consists of the following documents:

I. BFI Waste Systems, Davis Junction RCRA Permit File

Date	Description	Record Number
7/29/24	IEPA Letter to BFI Waste Systems, Davis Junction, Final Determination of RCRA Post Closure	R 000001-000030
7/29/24	BOL Permit Section Tracking BFI Waste Davis Junction Tracking Sheet	R 000031
	RCRA Post Closure Permit BFI Waste Davis Junction Landfill Phase I Table of Contents	R 000032
6/5/2024	BFI Waste Systems, Davis Junction Phase I Review Notes prepared by J. Nutt	R 000033-000059

II. BFI Waste Systems, Davis Junction Electronic Communications

Date	Description	Record Number
6/3/2024	Email exchange between V. Slayton, T. Halteman and S. Boring re BFI Davis Junction Annual Category 10 Report	R 000060-000061
4/16/2024	Email exchange between Lesko and Nutt re Post Closure Care Extension redacted	R 000062-000063

Date	Description	Record Number
1/9/2024	Email chain between Halteman and Nutt re January 30, 2024 RCRA Meeting Financial Assurance	R 000064-000066
10/2/2023	Email chain between Stine and Nutt re BFI Modifications	R 000067-000068
10/2/2023	Email chain between Nutt and Halteman and Cooperider re BFI Davis Junction Log	R 000069-000071
10/2/2023	Email chain between Maxwell, Hitzeroth and Nutt re BFI Davis Junction Log	R 000072-000079
10/2/2023	Email chain between Halteman, Nut and Cooperider re BFI Davis Junction Log	R 000080-000082
10/2/2023	Email chain between Nutt and Cooperider re RCRA Approval	R 000083-000085
4/25/2023	Email chain Coenen to Halteman re Sample Conditions to Hazardous Waste Landfills	R 0000086-000087
4/25/2023	Email chain Russell to Halteman attached to Sample Conditions to RCRA Closure Plan	R 000088-000092
2/24/2023	Email chain between Russell to Waston re Financial Assurance Requirements RCRA	R 000093-000094
2/23/2023	Email chain between Coenen to Waston re Financial Assurance Requirements RCRA	R 000095-000096

III. BFI Waste Systems, Davis Junction Hazardous Waste Annual Reports

Date	Description	Record Number
11/1/2005	IEPA Burau of Land Comprehensive 2002 Hazardous Waste Report	R 000097
2/23/2004	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction Hazardous Waste Report 2004 Annual	R 000098-R 000103
3/30/2004	Allied Waste Letter to IEPA re Fee for Davis Junction Annual 2003 Hazardous Waste Report	R 000104
2/28/2005	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction Hazardous Waste Annual Report 2004	R 000105-000109
12/7/2006	IEPA Bureau of Lane Comprehensive 2005 Annual Report	R 000110
2/28/2006	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction Hazardous Waste Report 2006 Annual	R 000111-000115
3/6/2007	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction Hazardous Waste Report 2006 Annual Payment	R 000116-000121
1/13/2009	IEPA Bureau of Land Comprehensive 2007 Annual Hazardous Waste	R 000122
2/10/2010	IEPA Bureau of Land Comprehensive 2008 Hazardous Waste Report	R 000123
2/26/2010	Weaver Boos Letter to IEPA attached to BFI Davis Junction Hazardous Waste Report 2009 Annual	R 000124-000129

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Date	Description	Record Number
8/6/2010	Weaver Boos Letter to IEPA attached to BFI Davis Junction Addendum to 2009 Hazardous Waste Report	R 000130-000131
2/29/2012	Weaver Boos Letter to IEPA attached to BFI Waste Davis Junction 2011 Annual Hazardous Waste Report	R 000132-000134
2/8/2013	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction 2012 Annual Hazardous Waste Report	R 000135-000137
2/12/2014	Weaver Boos Letter to IEPA attached to BFI Waste Systems Davis Junction 2013 Annual Hazardous Waste Report	R 000138-000140
2/25/2015	Weaver Consultants Group Letter to IEPA attached to BFI Waste Systems Davis Junction 2014 Annual Hazardous Waste Report	R 0000141-000142
3/6/2016	Weaver Consultants Letter to IEPA attached to BFI Waste Systems Davis Junction 2015 Annual Hazardous Waste Report	R 000143-000144
5/22/2017	Weaver Consultants Letter to IEPA attached to Addendum to BFI Waste Systems Davis Junction 2016 Annual Hazardous Waste Report	R 000145-000159
3/16/2020	BFI Waste Systems Letter to IEPA attached to revised 2017 Annual Hazardous Waste Report	R 000160-000164
6/14/2019	Republic Services Letter to IEPA attached to Amended BFI Waste Systems 2018 Hazardous Waste Report	R 000165-000172
2/25/2020	Republic Services Letter to IEPA attached to BFI Waste Systems Davis Junction 2019 Hazardous Waste Report	R 000173-000180
2/17/2021	Republic Services Letter to IEPA attached to BFI Waste Systems Davis Junction 2020 Hazardous Waste Report	R 000181-000189
2/17/2022	Republic Services Letter to IEPA attached to BFI Waste Systems Davis Junction 2021 Hazardous Waste Report	R 000190-000198

IV. Other Documents Used in Decision

Date	Description	Record Number
	BFI Leachate Generated from 2002-2021	R 000199-000200
7/1/2022	IEPA Letter to Mayor of North Chicago re RCRA Closure Letter	R 000201-000208
8/19/2022	IEPA Letter to Mayor of North Chicago re Response to RCRA Closure	R 000209
11/15/2022	IEPA Letter to Newco II re RCRA Closure	R 000210-000213
6/5/2024	USEPA Memo re Implementing Climate Resilience in Hazardous Waste Permitting under RCRA	R 000214-000219
12/15/2016	USEPA Memo: Guidelines for Evaluating the Post Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C RCRA	R 000220-000238
	ASTSWMO Position Paper on Post Closure RCRA	R 000239-000240

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ Christopher J. Grant

Christopher J. Grant

Senior Assistant Attorney General  
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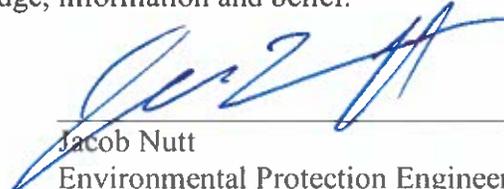
[Christopher.Grant@ilag.gov](mailto:Christopher.Grant@ilag.gov)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

BFI WASTE SYSTEMS	)	
OF NORTH AMERICA, LLC,	)	
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Petitioner,	)	
	)	
v.	)	PCB No. 25-12
	)	(Permit Appeal-RCRA)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**CERTIFICATE OF RECORD ON APPEAL**

I, Jacob Nutt, of the Illinois Environmental Protection Agency hereby certify that the Record on Appeal filed in the above-referenced matter and summarized in the attached Index of the Record on Appeal Pursuant to 35 Ill. Adm. Code 105.116 and 105.212 (the "Index"), is true and complete to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jacob Nutt  
Environmental Protection Engineer III  
Illinois Environmental Protection Agency



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

R 000001

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JAMES JENNINGS, INTERIM DIRECTOR

217/524-3301

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JUL 29 2024

9589 0710 5270 0389 7098 43

BFI Waste Systems of North America, LLC  
Attn: Matthew Healy  
26 West 580 Schick Road  
Hanover Park, IL. 60103

Re: 1418210001 – Ogle County  
BFI – Davis Junction Landfill – Phase I  
ILD980700751  
Log No. B-142R2  
RCRA Permit File - 24A  
Permit Correspondence

Dear Mr. Healy,

The purpose of this letter is to inform BFI Waste Systems of North America, LLC (BFI) of the Illinois EPA’s post-closure care evaluation and determination for a closed hazardous waste management unit, the Phase I Landfill, at the above-referenced BFI - Davis Junction facility. BFI has been conducting post-closure care activities at the Phase I Landfill since December 5, 1984, the date Illinois EPA accepted certification of closure, under the requirements of the facility’s RCRA Post-Closure Permit (Log Nos. B-142, B-142R, and B-142R2).

The Illinois EPA has conducted a review and evaluation of the post-closure status for the Phase I Landfill to determine whether the environmental conditions and associated regulatory requirements identified at this site meet the standards of the Illinois Environmental Protection Act (Act), Title 35 Illinois Administrative Code (35 Ill. Adm. Code) Subtitle G, Subtitle C of the Resource Conservation and Recovery Act (RCRA), and the USEPA’s “Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA”, dated December 15, 2016 (2016 USEPA Guidance). In addition, USEPA’s guidance “Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA)”, dated June 5, 2024 (June 5, 2024, USEPA Guidance) is also referenced in this letter. A copy of the USEPA 2016 Guidance and 2024 Guidance are attached to this letter.

Condition I.C.2 of the facility’s current RCRA Post-Closure Permit states, post-closure care of the Phase I Landfill must be provided for at least thirty (30) years, until at least December 5, 2024. The Illinois EPA has evaluated the conditions of the site, as identified in this letter, and determined that it is necessary to continue post-closure care of the Phase I Landfill beyond December 5, 2024, for at least thirty (30) years in accordance with 35 Ill. Adm. Code 703.282. Additionally, the facility must modify the current RCRA Post-Closure Plan in order to address current and future environmental concerns identified in this letter.

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412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

1418210001 – BFI – Davis Junction

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The Illinois EPA's determination to require BFI to extend post-closure care for the Phase I Landfill is based on the following:

1. Leachate: The ongoing generation of leachate from the Phase I Landfill requires continued leachate collection and management under post-closure care in accordance with 35 Ill. Adm. Code 724.410(b)(2). According to BFI's annual hazardous waste reports from Year 2019 through Year 2023 (the most current available 5-year data), reported volumes of leachate generated from the Phase I Landfill ranged between 79,400 to 112,146 gallons per year (average of 97,229 gallons per year). The leachate generated was 100,000 gallons in 2023 and 290,000 gallons in 2003. A large decline occurred between 2010 and 2013, but levels remain steady for the last 10 years.

According to the 2016 USEPA Guidance, monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (e.g., it can suggest a cover or liner failure when leachate is detected late in the post-closure care period).

2. Nature of waste in the landfill: The wastes contained in the Phase I Landfill are considered RCRA hazardous wastes due to 2% of the disposed wastes being hazardous materials. The hazardous materials include 96% heavy metal sludges; 4% spent solvent still bottoms, spent solvent sludges, petroleum refining residues, rodenticides glycol, polystyrene, and phthalic anhydride.

Since hazardous wastes remain at the Phase I Landfill, and leachate and gas generation persist, the Phase I Landfill is susceptible to long-term risks and requires continued maintenance and management under post-closure care.

3. Unit Type/Design: The existing cover system design for the Phase I Landfill, from top to bottom is: 1) a 36-inch thick final cover protective layer to support vegetation (the top 6 inches (minimum) of which is topsoil), 2) a geotextile filter fabric, 3) a geonet drainage layer, 4) a 40-mil polyethylene geomembrane, and 5) a 24-inch compacted clay layer composed of materials for the old cover materials used for the historical landfill beneath the Phase I Landfill. The existing leachate collection system consists of 15 leachate extraction points on 250-to-300-foot centers. As noted in the 2016 USEPA Guidance, a viable cover is the most important mechanisms in preventing leachate generation and, ultimately, a release of contaminants to the environment. Maintenance and monitoring of the cover system must continue to preserve its integrity.
4. Landfill Gas: After nearly forty (40) years of post-closure care, landfill gas continues to be generated, and therefore, a landfill gas monitoring/management program must continue at Phase I Landfill. The gas collection system must remain operational and be maintained.
5. Long-Term Care (also known as Long-Term Stewardship): The establishment and maintenance of physical and legal controls at the Phase I Landfill are necessary to

prevent exposure to the hazardous waste and hazardous constituents abandoned within the landfill. The Illinois EPA has determined that long-term monitoring, including maintenance of the cover system and groundwater monitoring system, control of any liquids (leachate) and landfill gas, and restrictions of future land uses must be established at the site. These measures must continue to minimize future exposure and potential hazardous waste release to the environment in accordance with 35 Ill. Adm. Code 724.410(b)(1), Section 12(a), 21(n) and 39(g) of the Act and the 2016 USEPA Guidance.

6. Climate Change Consideration: Long-term care of the hazardous waste management unit mentioned above must also consider impacts from climate change. The USEPA June 5, 2024 Guidance requires the authorized states to incorporate climate change considerations into RCRA permitting program. The June 5, 2024, guidance requires that, "RCRA permits will include the conditions that the permitting Authority determines are necessary to ensure that the facility operation will be compliant and protective in the face of such impacts." Hazardous wastes remain at the Phase I Landfill, therefore, vulnerability screening and assessment for the any potential climate change impacts must be incorporated into the long-term care for the Phase I Landfill.

In accordance with 35 Ill. Adm. Code 724.218(d)(4), the Permittee must submit to the Illinois EPA, within sixty (60) days of the date of this letter, a Class 2 permit modification request to extend post-closure care for the Phase 1 Landfill. In addition, the Class 2 permit modification request must include a revision(s) to the post-closure plan for the Phase I Landfill to reflect the extension of post-closure care at the Phase I Landfill for at least 30 years.

If a Class 2 permit modification request is not timely received by the Illinois EPA, the Illinois EPA will initiate a Class 2 permit modification of the RCRA Post-Closure Permit pursuant to 35 Ill. Adm. Code 703.241, 703.270, 703.271, 703.282, and 703, Appendix A, E.2.

This action shall constitute the Illinois EPA's final action for the requirements described above. 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 thirty-five (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 ninety (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  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782 5544

1418210001 - BFI - Davis Junction Electronic Filing: Received, Clerk's Office 02/04/2025

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

Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph Street, Suite 11 500  
Chicago, IL 60601  
312/814 3620

Work required by this letter 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.

Any questions regarding this letter, please contact Jacob Nutt at 217/524-7048.

Sincerely,



Jacqueline M. Cooperider, P.E.  
Permit Section Manager  
Bureau of Land

JMC:JDN:1418210001-B142R2-Corr

~~TNH~~ ~~DN~~  
Attachments: USEPA Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal facilities under Subtitle C of RCRA

USEPA June 5, 2024, Guidance: Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA)

cc: Norberto Gonzalez, Emily Keener, U.S. EPA – Region V  
James Hitzeroth, BFI Waste Systems of North America, LLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 15 2016

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA

**FROM:** Barnes Johnson, Director  
Office of Resource Conservation and Recovery

**TO:** RCRA Division Directors, Regions 1-10  
RCRA Enforcement Managers, Regions 1-10  
Regional Counsels, Regions 1-10

**Purpose**

The purpose of this memorandum is to provide guidance to assist regulators in evaluating conditions at hazardous waste disposal facilities subject to Subtitle C of the Resource Conservation and Recovery Act (RCRA) that are approaching the end of the original 30-year post-closure care period, and in determining whether the post-closure care period should be adjusted or allowed to end. Any such determinations must ensure ongoing protection of human health and the environment. This guidance also provides information to assist facility owners and operators in preparing documentation to inform the regulators' evaluations.

This guidance has the additional benefit of helping regulated entities understand what may be necessary to ensure protection of human health and the environment at units subject to post-closure care requirements. This enables waste generators and handlers to have a better understanding of the costs associated with land disposal so they can better evaluate long-term waste management strategies, including waste minimization.

**Introduction and Need for Guidance**

The RCRA Subtitle C hazardous waste management regulations establish a post-closure care<sup>1</sup> period for certain hazardous waste treatment, storage and disposal facilities, and specify post-closure care activities. The post-closure care requirements apply to land disposal units (landfills, land treatment units,

<sup>1</sup> Post-closure care can be generally described as the period of time after closure during which owners and operators conduct specified monitoring and maintenance activities to preserve the integrity of the containment system and to continue to prevent or control releases of contaminants.

and surface impoundments) that leave hazardous waste in place after closure. Post-closure care also applies to some non-land-based units (e.g., certain tanks or containment buildings) that cannot fully decontaminate or “clean close”<sup>1</sup> all equipment, structures, and soils. Post-closure care activities consist of two primary responsibilities: monitoring and reporting, and maintaining the integrity of the waste containment systems (see 40 CFR 264/265.117). Post-closure care for each hazardous waste management unit must begin after completion of closure of the unit and normally continue for 30 years after that date; the regulations also provide discretion to the permitting authority to adjust the length of the post-closure care period.

Many facilities around the country are approaching the end of the initial post-closure care period established in their RCRA permits or post-closure plans. Accordingly, questions have arisen about how to evaluate conditions at these facilities to determine whether the post-closure care period needs to be adjusted – that is, extended, or whether a 30-year post-closure care period is protective for a specific unit. In response, the Office of Resource Conservation and Recovery has developed this guidance recommending criteria to consider when evaluating facilities nearing the end of the post-closure care period<sup>2</sup> and thus ensure that human health and the environment will continue to be protected by the resulting determination. It also sets forth a recommended process for evaluating the post-closure care period in a timely fashion. Finally, this guidance discusses additional considerations that may be important for decision-makers when evaluating the adequacy of the post-closure care period.

This guidance supplements existing guidance on the post-closure care period, including the Technical Evaluation Criteria and Site-Specific Factors to Consider in Determining the Length of the Post-Closure Care Period, presented in the Appendix B of the *RCRA Guidance Manual for Subpart G Closure and Post-Closure Care Standards and Subpart H Cost Estimating Requirements* of January 1987.<sup>3</sup>

## **Regulatory Overview of the Post-Closure Care Period**

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<sup>1</sup> The RCRA Subtitle C regulations generally provide for two types of closure: closure by removal or decontamination (referred to as “clean closure”) and closure with waste in place. The premise of clean closure is that all hazardous wastes have been removed from a given RCRA unit and any releases at or from the unit have been remediated. More information on clean closure is available in *Memorandum: Risk-Based Clean Closure* from Elizabeth Cotsworth, Acting Director Office of Solid Waste, March 16, 1998.

<sup>2</sup> This document is solely intended to provide guidance to federal and state regulators on implementing the RCRA Subtitle C regulations and to provide policy advice and recommendations. As such, this document does not impose any legally binding requirements, and the use of such phrases as “guidance,” “recommend,” “may,” “should,” and “can,” are not intended to impose or connote any legal obligations. Accordingly, this document does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally enforceable. The policies described in this document may not apply to a particular situation based upon the circumstances, and EPA may deviate from or revise any of the policies described in this document without prior notice to the public. While EPA has made every effort to ensure the accuracy of the discussion in this document, the obligations of the regulated community are determined by statutes, regulations or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling.

<sup>3</sup> OSWER Policy Directive #9476.00-5, EPA/530-SW-87-10.

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EPA regulations<sup>4</sup> require that the post-closure care period for each hazardous waste management unit subject to the requirements of 40 CFR 264.265.117 through 264.265.120 must begin after completion of closure of the unit and continue for 30 years after that date. Still, the regulations' identification of a default 30-year post-closure care period does not reflect a determination by EPA that 30 years of post-closure care is necessarily sufficient to eliminate potential threats to human health and the environment in all cases. Nor is the full 30-year period always necessary. In fact, the regulations provide for a permit authority to conduct a case-by-case review of the post-closure care period and establish arrangements to adjust the length of the post-closure care period on a facility or unit-specific basis, where the record supports a determination that the revised post-closure care period will remain protective of human health and the environment.<sup>5</sup>

The regulations provide that the decision to alter the length of the post-closure care period can be made at any time preceding *partial closure*<sup>6</sup> of a hazardous waste management unit subject to post-closure care; at any time preceding *final closure*<sup>7</sup> of a facility; or at any time during the post-closure care period for a particular unit. For permitted facilities, such a decision must be made through the permit renewal or modification procedures in parts 124 and 270 of the regulations. For interim status facilities, adjustment to the post-closure care period must be made in accordance with § 265.118(g).

According to § 264.117 the post-closure care period may be modified under certain circumstances provided the modifications are protective of human health and the environment:

- The post-closure care period may be shortened where “the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground-water monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure).”
- The post closure care period may be extended where “the extended period is necessary to protect human health and the environment (e.g., leachate or ground-water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health or the environment).”

The provisions for interim status facilities are similar [§§ 265.117 and 265.118(g)].

For more details on particularly relevant portions of the federal RCRA hazardous waste regulations, see Appendix A.

### Criteria to Consider for Evaluating the Post-Closure Care Period

40 CFR 264.11 (for permitted facilities) and 265.11 (for interim status facilities)

EPA explained this approach early in the RCRA program. See 45 Fed. Reg. 3319 (May 19, 1980); see also 47 Fed. Reg. 3228-88 (July 26, 1982); 46 Fed. Reg. 2819 (Jan. 12, 1981).

<sup>5</sup> *Partial closure* is defined in 40 CFR 260.10 as “the closure of a hazardous waste management unit in accordance with the applicable closure requirements of parts 264 and 265 of this chapter at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a unit (including its associated piping and underlying containment system) and the site remediation and site preparation of other hazardous waste management unit, while other units of the same facility continue to operate.”

<sup>7</sup> *Final closure* is defined in 40 CFR 260.10 as “the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under parts 264 and 265 of this chapter are no longer conducted at a facility subject to the provisions in § 262.34.”

or relevant to the facility in question.

An overarching consideration in determining whether to extend the post-closure care period, or allow it to end, is the inherent uncertainty associated with the long-term presence of hazardous waste in the unit. Because many hazardous wastes degrade slowly or do not degrade under containment in these units, the continued presence of hazardous waste in the unit (*i.e.*, any case other than clean closure) indicates the potential for unacceptable impacts on human health and the environment in the future if post-closure care is not maintained. For instance, there are often uncertainties in whether controls will continue to function as planned and whether future activities will lead to unplanned exposures to human and environmental receptors. Even if there is no current evidence of actual releases from the facility, significant factors can change over time. For example, groundwater flow can change direction due to the sequencing of dry and wet years, pumping at municipal water supply or other well fields, or shifting gradients resulting from seasonal variations or tidal influences. Landfill components, such as caps and liners (which have a finite design life), can degrade over time, especially if maintenance is discontinued. Exposure pathways that have been eliminated by means of an engineered control may be reopened (*e.g.*, if animals burrow through the cap). Thus, continued monitoring and maintenance activities may be appropriate unless or until it can be demonstrated that site-specific conditions adequately minimize the risk that contaminants will migrate from the unit (*e.g.*, site geology/hydrogeology) or that, in the event the engineering controls fail, a release would not pose an unacceptable risk to human health and the environment. This section provides recommended criteria that can be used to evaluate site-specific conditions and associated risks or remaining uncertainties in determining whether to adjust the post-closure care period.

These criteria can also be periodically used to evaluate whether activities in the post-closure plan should be amended. For instance, if the regulator determines it is necessary to extend the post-closure care period, these criteria can be used to determine if the frequency of one or more post-closure care monitoring requirements could be reduced during that extended timeframe. Each criterion is not necessarily applicable for every unit in post-closure care, for example, the "Gas Collection System Integrity" criterion would not apply to units without a gas collection system. The questions provided under each criterion are intended to help identify potential threats to human health and the environment. However, they do not all need to be answered in order to make a decision concerning the appropriate post-closure care period and the monitoring/maintenance activities.

***Waste Treatment:*** Knowing whether the hazardous waste was disposed prior to the effective date of the Land Disposal Restrictions (LDR) program is an important piece of information when evaluating site-specific conditions. Hazardous waste treatment that destroys harmful contaminants or reduces toxicity of the waste before placement in a land disposal unit provides a more lasting form of groundwater protection than waste containment alone. Similarly, through a process called stabilization or immobilization, metal contaminants – that cannot be treated – can be chemically and physically solidified or bound into the wastes that contain them (*e.g.*, through chemical fixation). Thus, reducing the mobility or leachability of hazardous constituents in a waste is another means of achieving LDR's groundwater protection goal. Relevant questions for this criterion include:

- Were all the wastes pre-treated in accordance with the treatment standards of the LDR program or does the unit contain wastes that were placed on the land prior to the effective dates of the LDR rules?

EPA recommends reviewing the waste analysis data for treated wastes in the land disposal unit.

Nature of Hazardous Wastes Remaining in the Unit: The current properties of the hazardous waste (*e.g.*, degradation, solubility, liquid-to-solid ratio) provide an important indication of the waste's ability to migrate or disperse in the environment.

- What is the degree of risk (*e.g.*, exposure pathways, probability of exposure) presently associated with the wastes in the unit?
  - Are the wastes highly toxic?
  - Do they degrade into substances that are more or less toxic, or non-toxic?
  - Are there indications that the waste might become incompatible with the liner?
- What is the potential for adverse impacts from releases based on the current understanding of contaminant fate and transport considerations (*e.g.*, presence of persistent, bioaccumulative contaminants, as compared to biodegradable contaminants; constituent speciation(s); and leaching profiles)?
- Is the waste in a stable state? Are there indications that the waste may become unstable?

EPA recommends that current data from regulatory standards be used for comparison to facility-specific performance goals articulated in the post-closure plan, and that, as necessary, the plan be updated to account for any new information on toxicity and carcinogenicity. EPA also recommends reviewing and possibly updating the list of constituents to analyze, since scientific understanding of constituents of concern may change over time. In addition, the data gathered should include an analysis of potential degradation products as well as of the types of wastes known to have been placed in the unit(s).

Unit Type/Design: The main objective of the disposal units is the containment of the hazardous waste. Thus, emphasis should be placed on the unit's ability to contain hazardous wastes over the long term.

- Is the unit, for example, a landfill, a surface impoundment, or a closed tank with residual contamination?
- Does the unit meet the minimum technology requirements (*e.g.*, double liners, leachate collection system)? Or was the unit already in existence at the time these requirements were promulgated and closed before retrofitting?
- To what extent does the overall design and construction of the unit minimize the need for long-term maintenance, resist the generation of leachate and emissions, and contain any remaining waste in perpetuity?

It is recommended that the permitting authority consider any unit-specific design, in concert with applicable closure and post-closure care requirements, when evaluating whether adjustment of the post-closure care period is warranted to protect against any potential impact on human health and the environment. There can be circumstances in which continuing to maintain unit-specific controls may be necessary to protect human health and the environment, particularly if the unit pre-dated the minimum technology requirements; this could support a decision to extend the post-closure care period. Conversely, there might be circumstances where the overall design and construction of the unit minimize the need for long-term maintenance and could support a decision to shorten or end the post-closure care period.

Leachate: The leachate collection and removal system controls leachate build-up on the liner, working in conjunction with the liner's barrier system to minimize the potential for groundwater contamination.

Monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (*e.g.*, it can suggest a cover or liner failure when leachate is detected late in the post-closure care period).<sup>8</sup>

- Will the integrity and functionality of the leachate collection system, leachate generation rate, and leachate quality remain adequate to prevent harm to human health or the environment in the absence of post-closure care?
- Can the facility owner or operator show through monitoring/modeling and/or statistical analysis that the leachate would not pose a threat to human health and the environment because it would not exceed applicable standards at compliance or exposure points?
- Is it likely those standards will be exceeded in the future, for example, through formation and release of degradation products? Do the data demonstrate that there are no increasing trends in the concentration of leachate constituents?
- Can the facility owner or operator demonstrate that maintenance and operation of the leachate collection system can be ceased without posing a threat to human health and the environment?

EPA recommends that potential impacts from changes in leachate characteristics and generation rate that could result from discontinued maintenance be considered.

Groundwater: Groundwater monitoring serves as the primary means of detecting leachate releases and groundwater contamination. It is important that groundwater analytical results, adequacy and reliability of the groundwater-monitoring network, and groundwater-monitoring well integrity be evaluated before the post-closure care period nears its end.

Groundwater should not exceed risk-based concentrations for a reasonable exposure scenario (or point of exposure) using currently acceptable risk assessment methods and up-to-date risk-based levels and scenarios. If the evaluation determines that unacceptable risk exists, these risks should be addressed. The risk evaluation should consider reasonable current or future groundwater use in the general area of the site (*e.g.*, if a drinking water source is located nearby).

Review of the groundwater monitoring system should have been done as part of operation and maintenance inspections over time. Evaluation of the groundwater monitoring network should refer to the most recent operation and maintenance inspection. The well network evaluation should look at groundwater flow direction, well construction, and placement relative to groundwater flow direction.

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<sup>8</sup> "If leachate is generated late in the post-closure care period, this could suggest a cover or liner failure warranting an extension of the post-closure care period." See page B-13 of the RCRA Guidance Manual for Subpart G Closure & Post-Closure Care Standards and Subpart H Cost Estimating Requirements, EPA/530-SW-87-010 (January, 1987).

- Is groundwater quality in compliance with current standards?
- Have there been changes or are changes anticipated in land use/groundwater use that could change the applicable standards (e.g., introduction of agricultural irrigation to an area) or the directional flow (e.g., sequencing of dry and wet years, pumping at municipal water supply or other well fields, or shifting gradients resulting from seasonal variations or tidal influences)?
- Do the data indicate any trend in the concentration of analytes in groundwater?
- Has an expanded list of analytes (e.g., selected from Appendix VIII of 40 CFR part 261) been considered for analysis within a reasonable time frame?
- Have the monitoring wells been maintained to provide valid data, for example, no well screen occlusion?

*Siting and Site Geology/Hydrogeology:* Relevant facility location characteristics (which might have changed since the post-closure plan was approved) may include proximity to vulnerable areas such as residential areas and surface and drinking water sources. The current and reasonably anticipated future land use of the facility and surrounding properties may also be relevant. Location in potentially vulnerable areas increases the likelihood and potential severity of releases. For example, if units are located in areas prone to flooding or with a high water table, it may be appropriate for reviewers to consider the potential for continuing risks to surface water in evaluating whether to modify the post-closure care period. Conversely, units located in areas not prone to flooding, or at great distance from the water table, might have less need for long-term maintenance. Additional hydrologic and geologic conditions such as wetlands and earthquake zones, unstable soils, and areas at risk for subsurface movement could have changed since a unit first entered post-closure care and might also need to be taken into account. Proximity to residential areas can also present unique considerations. It is also appropriate to consider whether facility conditions minimize the potential for adverse impacts on local populations if there is a release from the unit.<sup>9</sup>

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<sup>9</sup> If a unit managing vapor-forming chemicals has releases to the environment, it creates the potential for vapor intrusion issues to neighboring communities due to migrating plumes of contaminated groundwater or migrating soil gases, even when the community is some distance away. Consider evaluating risks from subsurface intrusion of toxic constituents (e.g., vinyl chloride from aerobic degradation of perchloroethylene/trichloroethylene), or landfill gases such as methane and hydrogen sulfide, into buildings or structures located near the unit in post-closure care. See the *Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air*, June 2015.

- Does the site geology include subsurface strata that might contain or retard migration?
- What is the distance to the groundwater table, bearing in mind seasonal fluctuations, and the proximity of any useable aquifers?
- Is the unit located in a dry climate that provides minimal precipitation?
- Is the pattern of land use changing or likely to change in the future in a way that would bring people closer to or farther away from the facility?
- Have zoning laws changed?
- Is there a sizable buffer zone around the facility that could limit human activity near the site into the future?
- What is the distance to sensitive receptors for groundwater flow and emissions?
- Could the distance to sensitive receptors change under reasonably foreseeable future conditions, as reflected, for example, in land use development plans for the area?
- Is there the potential for impact on surface water quality?
- Have new potential exposure pathways been identified and evaluated? For example, vapor intrusion had not been identified as a potential exposure pathway at the time many permits were issued.<sup>11</sup>

In addition, EPA recommends that the potential effects of climate change be taken into account in making these assessments.<sup>10</sup> For example, flooding from more intense and frequent storms and sea-level rise may lead to contaminant releases from units subject to post-closure care requirements by transport of contaminants through surface soils, groundwater, surface waters and/or coastal waters. Saltwater intrusion and increased groundwater salinity in coastal aquifers may increase the permeability of clay liners installed at waste sites, such as landfills. Changes in precipitation patterns and temperature may also adversely affect the performance and efficacy of engineering controls.

*Facility History:* All waste management units (during active life or in post-closure care) must be adequately managed to prevent releases of contaminants to the environment. A well-managed facility is more likely to maintain its structural integrity. Good compliance records, routine maintenance and inspections, emergency procedures to handle natural disasters, and prompt and efficient response to spills and other incidents, are some of the management practices that help demonstrate whether the unit has been adequately managed.

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<sup>10</sup> For more information on climate change adaptation consult the "Climate Change Adaptation Technical Fact Sheet: Landfills and Containment as an Element of Site Remediation," EPA 542-F-14-001 (May 2014).

- From the facility records (including frequency of all maintenance activities), to what extent did the unit closure design and activities described in the closure plan and closure certification minimize the need for ongoing monitoring and maintenance?
- Has past noncompliance with regulatory requirements contributed to present environmental conditions that warrant an extension of the post-closure care period (e.g., non-compliance with current LDR standards)?
- Is there a history of any releases and what are current contaminant levels?
- If a release did occur, have corrective measures been successfully implemented and has subsequent monitoring shown no evidence of a recurrence?
- Are analyses being conducted for the correct parameters?
- How complete and accurate is the facility operating record?
- Is there confidence that the record accurately reflects spills, releases, lapses in maintenance or other events that may have a bearing on potential facility impacts?
- To what extent have closure activities minimized or eliminated escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, surface waters or the atmosphere during the post-closure care period?

In order to fully understand the facility history, EPA recommends that the permit authority also review the closure plan and certification of closure.<sup>11</sup>

*Gas Collection System Integrity:* For units that have a landfill gas collection system, it is important to analyze the extent to which it is capable of being modified or shut down at the end of the post-closure care period without exceeding emission levels that are consistent with applicable regulatory standards and with public safety at the facility. In addition, because gas emissions can increase or decrease over time, it is recommended that statistical or graphical analysis of the data be used to identify any significant changes in gas emissions.

- To what extent is the gas collection system capable of being modified or shut down at the end of the post-closure care period without exceeding emission levels that are consistent with applicable regulatory standards and with public safety at the facility?

*Integrity of Cover System:* A viable cover is the most important mechanism in preventing leachate generation and, ultimately, releases of contaminants. Cracks, burrows from animals, and other problems are likely to occur after termination of post-closure care. If testing and inspection end, problems can go undetected and releases could occur. Thus, it is vital to evaluate the performance of the cover system during the post-closure care period.

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<sup>11</sup> For further information on closure performance standards, see 40 CFR 264.111 and 265.111.

- Has the cover system been designed and maintained to minimize migration of water into the management unit and to prevent contaminants from escaping into the environment?
- Has periodic testing or inspection been conducted to identify and assure any necessary repairs? Potential concerns include differential settlement, problems with cover integrity (cracks, burrows, etc.), cover drainage, and the adequacy of the diversion or drainage system. Even where such problems have not occurred, are they likely to arise without long-term care, *e.g.*, will the cover system remain intact without mowing to prevent growth of trees?
- Is the remaining waste likely to be so benign that even with a compromised cover system release of hazardous constituents is unlikely?
- To what extent will the integrity of the cover system be preserved in the absence of long-term care or with reduced maintenance requirements?

For alternative covers, it is recommended that the potential effects of climate change (*e.g.*, increasing frequency and intensity of weather events) be taken into account to the extent practical. For example, will the vegetation remain viable under altered precipitation patterns?

*Long-Term Care:* The concept of long-term care (also known as long-term stewardship) generally includes the establishment and maintenance of physical and legal controls that are necessary to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place at a site or closed facility. As a general matter, the RCRA post-closure care requirements (for example, monitoring and cap maintenance) fall under the umbrella of long-term care. When considering whether to adjust the post-closure care period, permitting authorities should evaluate any continuing need to maintain engineering controls (ECs),<sup>12</sup> particularly those specified in the RCRA post-closure care regulations.

- How will the potential for human exposure to contamination be minimized in the absence of RCRA post-closure care?
- How is the integrity of the entire containment system going to be preserved over time?
- Can maintenance and monitoring activities cease or be reduced without causing an adverse impact to human health and the environment?

A further need to maintain ECs could justify an extension of the post-closure care period. This may be the case even if the frequency of some activities could be adjusted (*e.g.*, some activities may be needed more frequently in the early years of the post-closure care period and less frequently later).

The RCRA post-closure care regulations provide for the imposition of institutional controls (ICs)<sup>13</sup> as well. For example, §§ 264/265.117(c) provides that post-closure uses of a property where hazardous wastes remain after final or partial closure must never be allowed to disturb the integrity of the containment system or the functioning of the monitoring system, with limited exceptions. In addition, §§ 264/265.119(b)(1)(ii) provide that the owner or operator must record a notation, in accordance with state law, on the deed to the facility property – or on some other instrument which is normally examined during title search – that will in perpetuity notify any potential purchaser of the property that, among other things, the property's use is restricted under the RCRA closure/post-closure regulations. States can

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<sup>12</sup> Engineering controls are the engineered physical barriers or structures (*e.g.*, caps, impermeable liners, mitigation barriers, or fencing) designed to monitor and prevent exposure to the contamination.

<sup>13</sup> Institutional controls are administrative or legal instruments (*e.g.*, deed restrictions/notices, easements, restrictive covenants, zoning) intended to minimize the potential for human exposure to contamination by limiting land or resource use.

choose to supplement or support such deed restrictions under state law, *e.g.*, by setting up a deed restriction tracking system, ensuring that deed restrictions remain in place, or ensuring that information on existing ICs is available to interested parties.

Even in cases where the post-closure care period need not be extended to protect human health and the environment, the permitting authority may want to ensure that some long-term ICs, such as an easement that provides access to the property, are continued. EPA recommends that any ICs (under state or local authority) needed beyond the post-closure care period be in place before the post-closure care period ends. EPA expects that the permit authority would typically need to assess the availability and adequacy of other potential mechanisms for overseeing ICs as part of evaluating whether any modification to the post-closure care period was warranted.

EPA also recommends that consideration be given as to whether a funding source is available to support any necessary ECs and ICs in the future (see Appendix B for a list of ICs resources.) This could be done, for example, as part of an anticipated future use (or end-use strategy) that generates revenue, so that protective controls at the unit can be continued while supporting beneficial reuse of the land into the future.

### **Recommended Approach for Reviewing Hazardous Waste Management Units Approaching the End of the Post-Closure Care Period**

EPA believes that, at a minimum, it is important to make a decision about the length of the post-closure care period, and to document such decision, well before that period nears its end. Therefore, EPA recommends that regulators assess the overall status of all the units under post-closure care, and plan to evaluate the adequacy of their post-closure care periods well in advance of their anticipated conclusions. EPA also recommends that the results from the evaluation of the post-closure care period be included in the regulator's administrative record for the facility.

As stated before, the federal RCRA hazardous waste regulations provide discretionary authority to the permitting authority to extend or shorten the length of the post-closure care period. However, the facility owner or operator is responsible for providing the information necessary to support this decision (see, for example, 40 CFR 270.30(h), Duty to provide information). A lack of relevant and complete information may justify a conclusion by the regulatory authority that extension of the post-closure care period is necessary to protect human health and the environment until such information is provided.

EPA's recommendations for evaluating units approaching the end of the post-closure care period are discussed in more detail below.

***Timing:*** Regulators should track permit terms and dates of all post-closure permits and have a strategy for when they will begin looking at whether to adjust the post-closure care period, allowing enough time for the necessary steps to take place prior to the 30-year expiration:

- Identify and gather necessary information
- Evaluate information
- Decide whether to adjust the post-closure care period
- Incorporate tentative decision into permit renewal (or modification) process.

For units with operating permits, EPA recommends starting the process at least 18 months before the expiration of the post-closure permit or post-closure care period, whichever comes first. It is important to keep in mind that in accordance with § 270.1(c) units subject to post-closure care must have post-closure permits or an enforceable document in lieu of a post-closure permit and, under § 270.50, permits can be issued for no longer than ten years. Consequently, over the course of a 30-year post-closure care period, the permit would normally need to be renewed at least twice (unless the post-closure care period has been modified). In addition, for a permitted land disposal facility, the length of the post-closure care period is an important component of the five-year review required under § 270.50(d). The facility owner or operator may also initiate the post-closure care evaluation and/or modification process by submitting a permit modification. Similarly, regulators should evaluate petitions to end or shorten the post-closure care period in a timely manner.

For facilities conducting post-closure care under interim status, regulators might want to adopt time frames for review similar to those of permits (*e.g.*, every ten years) to initiate the process of identifying and gathering relevant information. At a minimum, they should evaluate the adequacy of the post-closure care period well in advance of its end date. The facility owner or operator may also initiate the process by submitting a revision to their post-closure plan, including a petition in accordance with § 265.118(g)(1).

*Post-Closure Plan:* When considering adjusting or ending the post-closure care period, regulators should request a copy of the most current version of the approved post-closure plan, along with any proposed revisions provided by the owner or operator. Under §§ 264.118(b) and 265.118(c), the post-closure plan identifies certain activities (and their frequency) that must be conducted during the post-closure care period (*e.g.*, monitoring and maintenance). The post-closure plan may also identify performance standards or performance goals, which should be updated to account for any new information on toxicity and carcinogenicity. The post-closure plan thus provides an important starting point for the review. The project file should have a history of permit modifications including those made to the post-closure plan. It is also important that the results of the post-closure period assessment be incorporated into a revised post-closure plan (and the permit), as appropriate.

*Relevant Information:* As part of the review of the post-closure plan and any relevant historical information, regulators should determine whether they possess the information necessary to adequately evaluate the conditions at the unit so that a decision about the post-closure care period can be made. Relevant information may include monitoring reports, results from testing or inspections of the cover system, information concerning land use and institutional controls, and any other information that would be helpful in determining whether post-closure care continues to be needed for the unit. The absence of adequate information (*e.g.*, to address unresolved risk issues), including failure of the permittee to provide necessary information, will make it difficult for the permitting authority to conclude that allowing the post-closure period to end or shortening the post-closure care period meets the regulatory standard. The permitting authority can conclude that an extension of the post-closure care period is necessary to protect human health and the environment until the information necessary to make a final determination is available. Any proposal to adjust the post-closure care period should be supported by adequate data and analysis to demonstrate the anticipated long-term performance of the unit. To account for cyclical fluctuations in weather and hydrology, EPA recommends that multiple-year performance data be considered (*e.g.*, ten years).

The recommended criteria outlined in the previous section are also relevant to inform deliberations on whether and what additional information about the facility is necessary.

If information becomes available indicating changing circumstances that might necessitate the need to revisit the post-closure care (*e.g.*, monitoring results show leaching) it is recommended that the regulator immediately request any additional information needed from the facility owner or operator to inform a decision about adjusting the post-closure care period. This can be accomplished through various means, including under the facility's permit terms (*e.g.*, under § 270.30(h), the permit holder has a duty to provide relevant information and records; under § 270.30(k)(4), monitoring results must be reported at intervals specified in the permit); through enforcement of the relevant interim status regulations; or through inspections or studies required pursuant to RCRA sections 3007 or 3013.

*Expiration/Renewal of Post-Closure Permits:* Permits are issued for a fixed term not to exceed ten years, which means post-closure permits will need to be renewed periodically throughout the post-closure care period (*e.g.*, a 30 year period could span three permit terms). Renewal applications must be submitted 180 days before the expiration date of an effective permit (see § 270.10(h)). Frequently, facility owners or operators do not submit a renewal application as they approach the permit's expiration date because they believe they will submit an acceptable certification that they have completed post-closure care for the unit(s). If, towards the end of the permit term, the permitting authority has not received a permit renewal application from the facility or if the permitting authority anticipates that there may be any issues regarding the acceptability of the certification of completion of post-closure care, EPA recommends that the regulatory authority remind the owner or operator that the regulations require the facility to provide the required certification or reapply for a permit, and request submission of the permit renewal application (see §§ 270.10(h) and 270.30(b)). Timely submission of an application for permit renewal will ensure that a valid permit is in effect (pursuant to § 270.51) pending a resolution. If a facility owner or operator does not submit a timely renewal application, and the permit is not administratively continued, the regulator may consider initiating an enforcement action or issuing a new permit (see § 270.51(c)).

*Public Participation:* Any potential adjustments to the length of the post-closure care period are subject to requirements for involving the public. For permitted facilities, extensions to the post-closure care period would be processed as a Class 2 modification, and reductions would be Class 3. In both cases, the regulator must provide public notice, hold a public meeting, and allow an opportunity for written comments to be submitted. Similarly, for adjustments in the length of the post-closure care period at interim status facilities, the regulator must provide public notice and an opportunity for written comments. Although there is no specific provision in the regulations to notify the public when a post-closure care period ends, we recommend that the regulatory authority consider providing notice to the local community when they release a facility owner or operator from their post-closure care obligation.

*Financial Assurance Requirements:* Finally, permitting authorities should keep in mind that an adjusted post-closure care period may also necessitate revisions to the associated post-closure cost estimate and financial assurance.

### **Additional Considerations**

*Benefits of Post-Closure Permits:* Permits are site-specific legal documents that establish the technical and administrative conditions to which a facility must adhere, in order to ensure that monitoring and maintenance activities are performed to prevent and address releases that could potentially threaten

public health and the environment and lead to cleanup obligations.<sup>14</sup> Thus, it is critical that any modifications to the permit are made, as necessary, to ensure they are complete and current. Permits are issued in, at most, ten-year increments to ensure they are periodically reviewed and requirements are updated as necessary. Additionally, facility owners and operators may request modifications to a permit. Although there are resources associated with permit maintenance, permits provide numerous benefits and protections such as:

- **Basic Permitting Requirements** – Permits are subject to the regulations governing facility permitting as set forth in 40 CFR part 270, which covers basic EPA permitting requirements, such as application requirements, standard permit conditions (*e.g.*, duty to comply, duty to reapply, duty to provide information), and monitoring and reporting requirements (*e.g.*, annual monitoring reports, compliance schedules).
- **Unit-Specific Informational Requirements** – Where applicable, owners or operators of a permit must submit information including detailed plans and engineering reports under § 270.14(b)(13).
- **Financial Assurance** – The owner or operator of a permitted unit must establish and maintain financial assurance. At facilities with units in post-closure, requirements include financial assurance for post-closure care in accordance with the approved post-closure plan for the facility, for as long as the unit remains subject to RCRA post-closure care requirements, including the post-closure permit requirement (§ 264.145).
- **Corrective Action** – Section 264.101 requires that all permits include requirements for facility-wide corrective action as necessary to protect human health and the environment.
- **Enforceability** – The permitting authority can enforce RCRA permit requirements including through facility inspections, record reviews, and other means. Section 270.28 provides that the permittee shall allow the regulatory authority to perform inspections at the facility.
- **Public Participation** – The permitting process of 40 CFR parts 270 and 124, and the permit modifications procedures in § 270.42 provide for public involvement. The public has the opportunity to comment on a facility's closure and post-closure plans as part of the initial permitting process and any amendments made to the plans as part of the permit modification procedures.
- **Additional Conditions** – Section 3005(c)(3) of RCRA (codified at 40 CFR 270.32(b)(2) and commonly referred to as the "omnibus authority"), allows for additional site-specific permit conditions to be incorporated into RCRA permits, should such conditions be necessary to protect human health and the environment.
- When permits incorporate the technical requirements contained in parts 264, 266, and 267 of the regulations, those permit conditions are not subject to challenge (*i.e.*, a number of permit conditions are required by the regulations themselves).
- Permit requirements cannot be terminated merely by sale of the property or bankruptcy of the owner or operator.

*Relationship of Subpart F Corrective Action and Post-Closure Care:* Corrective action and post-closure care requirements for a regulated unit may be linked, for example, in the case of groundwater

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<sup>14</sup> Owners and operators of units subject to post-closure care, must have post-closure permits, "unless they demonstrate closure by removal or decontamination as provided under § 270.1(c)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (c)(7) of this section" (see §270.1(c)).

monitoring and/or corrective action for releases from closed regulated units being handled pursuant to 40 CFR 264.90–264.100. In many cases, it may be desirable (either by the facility owner/operator, the regulatory agency, or both) to coordinate the post-closure care and monitoring/corrective action requirements. EPA recommends that the regulatory agency consider extending the post-closure care period (and associated permits or other enforceable documents) when corrective action continues beyond the original post-closure care period (see §§ 264.90(c)(3) and 264.96(c)).

Post-Closure Rule:<sup>15</sup> This rule amended the regulations applicable to facilities with land disposal units in two areas. First, it modified the requirement for a post-closure permit to provide EPA and the authorized states discretion to use a variety of authorities to address the post-closure period at non-permitted facilities. In addition, it amended the regulations governing closure of land-based units to allow EPA and the authorized states to address those units through the corrective action program in certain situations where regulated units and other solid waste management units have contributed to a release.

Scope of Guidance and Relationship to Existing Guidance: This document is not intended to provide guidance on decisions to extend or shorten the post-closure care period for *non-hazardous* waste units (*i.e.*, units regulated under RCRA Subtitle D), nor is it intended to replace existing guidance concerning establishment and attainment of remedial goals at contaminated facilities addressed under RCRA Subtitle C authority. This guidance is meant to supplement any existing guidance on the post-closure care period, and should be used in concert with the Technical Evaluation Criteria and Site-Specific Factors to Consider in Determining the Length of the Post-Closure Care Period, presented in the Appendix B of the *RCRA Guidance Manual for Subpart G Closure and Post-Closure Care Standards and Subpart H Cost Estimating Requirements* of January 1987.<sup>16</sup> This document provides additional considerations and factors that are not included in the 1987 guidance, such as vapor intrusion, updated toxicity values, and climate change considerations – although the updates presented in this guidance are not intended to be comprehensive.

Relationship to State Authorities: Under RCRA, states may apply to, and receive from EPA, authorization of a state program to operate in lieu of the federal RCRA hazardous waste program. *These state programs may be broader in scope or more stringent than EPA's RCRA hazardous waste regulations, and requirements can vary from state to state.* Members of the regulated community are encouraged to contact their state agencies for the particular post-closure care requirements that apply to them in any particular state.

For additional information, feel free to contact me, or your staff may contact Lilybeth Colon (colon.lilybeth@epa.gov, 703-308-2392) or Tricia Buzzell (buzzell.tricia@epa.gov, 703-308-8622).

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<sup>15</sup> See *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process*; Final Rule, October 22, 1998 (63 FR 56710).

<sup>16</sup> OSWER Policy Directive #9476.00-5, EPA/530-SW-87-10. Appendix B of this guidance presents technical factors to consider in determining the length of the post-closure care period as well as a number of hypothetical scenarios illustrating how site-specific information might be used to support an extension or reduction in the length of the period.

## Appendix A: Overview of Federal Regulatory Provisions

Regulations governing RCRA post-closure care are set forth in 40 CFR part 264 subpart G for permitted facilities and part 265 subpart G for interim status facilities. Additional requirements for post-closure care of specific types of units are included in the regulations for those units. See §§ 264/265.197 (Tank Systems); §§ 264/265.228 (Surface Impoundments); §§ 264/265.258 (Waste Piles); §§ 264/265.280 (Land Treatment Units); §§ 264/265.310 (Landfills); § 264.603 (Miscellaneous Units); §§ 264/265.1102 (Containment Buildings); and §§ 264/265.1202 (Hazardous Waste Munitions and Explosives Storage).

Regulations governing financial assurance for post-closure care are set forth in 40 CFR part 264 subpart H for permitted facilities and part 265 subpart H for interim status facilities.

Regulations governing facility permitting are set forth in 40 CFR part 270.

Post-Closure Care – Sections 264.117(a) and 265.117(a) establish general requirements for post-closure care and a 30-year post-closure care period. However, the regulations also allow the permitting authority to shorten the 30-year post-closure care period if the reduced period is sufficient to protect human health and the environment, or to extend it, if necessary (see the *Post-Closure Plan Amendment* section for more details). Sections 264.117(a)(2)(i) and 265.117(a)(2)(i) provide the following examples for shortening the post-closure care period: “...(e.g., leachate or groundwater monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure).”

Sections 264.117(a)(2)(ii) and 265.117(a)(2)(ii) provide the following example for extending the post-closure care period: “...(e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).”

Post-Closure Plan – Under §§ 264.118 and 265.118, the owner or operator of specified units must have a written post-closure plan. The plan must identify monitoring and maintenance activities that will be carried out after closure, and their frequency, to assure compliance with the requirements of specific subparts, including subparts F, K, L, M, N and X, where applicable. For permitted facilities (§ 264.118(a)), the post-closure plan must be submitted with the permit application and approved by the permitting authority as part of permit issuance procedures. The approved post-closure plan becomes a condition of any RCRA permit issued (see the *Post-Closure Plan Amendment* section for more details). For interim status facilities (§ 265.118), the owner or operator must submit the post-closure plan to the permitting authority within specified time frames, and the regulations provide for making the post-closure plan available to the regulatory authority.

Procedures for Post-Closure Plan Amendment – For permitted facilities, the process for making changes to the post-closure plan is through permit modification (permit modification procedures are set forth in § 270.42). Under § 264.118(d)(1), the owner or operator may submit a written notification or request for a permit modification to amend the post-closure plan. Under § 264.118(d)(2), the owner or operator must submit a written notification of the permit modification or request for a permit modification to authorize a change in the approved post-closure plan under certain circumstances. Specific reasons set forth in the regulations include changes in operating plans or facility design that affect the approved post-closure plan, and

events occurring during the active life of the facility that affect the approved post-closure plan. For interim status facilities, § 265.118(d) prescribes procedures for amending the post-closure plan. The permitting authority may also request modifications to the post-closure plan under §§ 264.118(d)(4) and 265.118(d)(4).

*Procedures for Post-Closure Care Period Adjustment* – Adjustments to the post-closure care period may be initiated at any time preceding partial or final closure or at any time during the post-closure care period of a particular unit. For interim status facilities, § 265.118(g) prescribes a process for extending or shortening the post-closure care period that includes provisions for public involvement. For permitted facilities, § 264.117(a)(2) provides for shortening or extending the post-closure care period in accordance with the permit modification provisions in parts 124 and 270.

Section 270.41 provides for Agency-initiated permit modifications. EPA may modify a permit for the following reasons: if there have been material and substantial alterations or additions to the facility; there is new information that was not available at the time of permit issuance; new statutory or regulatory requirements were promulgated; EPA has cause to initiate a compliance schedule under § 270.33; or as necessary to assure that the facility continues to comply with the currently applicable requirements in parts 124, 260 through 266, and 270, when a permit for a land disposal facility is reviewed by the Director under § 270.50(d).

Section 270.42 contains the regulations that apply to the modification of a permit at the request of the permittee. For all modifications, the permittee submits information to EPA that describes the exact change to be made to the permit conditions, identifies whether the modification is Class 1, 2, or 3, and provides the applicable permit application information.

The process for extending the post-closure care period is a Class 2 modification, while the process for shortening the post-closure care period is a Class 3 modification (§ 270.42, Appendix I, E2 and E3). These procedures include provisions for public involvement. The post-closure care period can also be modified through permit renewal under § 270.32(d).

*Financial Assurance for Post-Closure Care* – EPA's regulations under parts 264/265 subpart H establish requirements for financial assurance, including financial assurance requirements for post-closure care (see §§ 264.140 and 265.140). Under §§ 264.144 and 265.144, the owner or operator is required to have detailed written cost estimates for post-closure monitoring and maintenance in accordance with the applicable post-closure care requirements. Under §§ 264.145 and 265.145 generally, the owner or operator is required to establish financial assurance for post-closure care in an amount equal to the current post-closure cost estimate.

*Certification of Completion of Post-Closure Care and Release of Owner and Operator from Financial Assurance Requirements* – Under §§ 264.120 and 265.120, the owner or operator must submit certification that the post-closure care for the unit(s) was performed in accordance with the approved post-closure plan; the certification must be sent by registered mail to the permitting authority. This certification must be submitted no later than 60 days after the completion of the post-closure care period for each hazardous waste disposal unit. The certification must be signed by the owner or operator and a qualified professional engineer. Documentation supporting the professional engineer's certification must be furnished to the permitting authority upon request until the permitting authority releases the owner or operator from the financial assurance requirements for post-closure care under §§ 264.145(i) and 265.145(h).

Under §§ 264.145(i) and 265.145(h), within 60 days of receipt of certification from the owner or operator and a qualified professional engineer that the post-closure care has been completed for a hazardous waste disposal unit in accordance with the approved plan, the permitting authority will notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care for that unit. If the permitting authority has reason to believe that post-closure care has not been in accordance with the approved post-closure plan, the permitting authority must provide the owner or operator a detailed written statement of any such reason.

Scope of the Post-Closure Permit Requirements – Under § 270.1(c), owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure (according to § 265.115) must have post-closure permits, unless they demonstrate closure by removal or decontamination, or obtain an enforceable document in lieu of a post-closure permit as provided under § 270.1(c)(7). Under § 270.10(h), if a permittee has an effective permit and they want to renew it, they must submit a new application at least 180 days before the expiration date of the effective permit.

Monitoring and Records – Under § 270.30(j)(2), the permittee must retain records of all monitoring information for a period of at least three years from the date of sample, measurement, report, or certification, unless extended by request of the permitting authority at any time. Records from all groundwater monitoring wells and associated groundwater surface elevations must be maintained for the active life of the facility, and for disposal facilities for the entire post-closure care period.

Compliance with an Expiring Permit – Under § 270.51(c), if the permittee is not in compliance with the conditions of the expiring or expired permit, the permitting authority may issue a new permit under part 124, initiate enforcement action, or take other actions authorized by the RCRA regulations.

**Appendix B: Institutional Controls (ICs) Resources**

The following resources may be helpful in implementing and maintaining ICs throughout the post-closure care period and beyond.

- EPA guidance on *Ensuring Effective and Reliable Institutional Controls at RCRA Facilities* (Matt Hale, Director, Office of Solid Waste, and Susan Bromm, Director Office of Site Remediation and Enforcement, June 14, 2007) sets forth guiding principles and recommendations that can help EPA and state decision makers on the use of ICs at RCRA facilities, and EPA resources for additional information and assistance.
- *Institutional Controls: A Site Manager's Guide to Identifying, Evaluating, and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups* guidance provides some discussion about how ICs can be used at post-closure care facilities. (p.3 text box) EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000, <https://www.epa.gov/fedfac/institutional-controls-site-managers-guide-identifying-evaluating-and-selecting-institutional>
- *Institutional Controls: A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites* provides information and recommendations that should be useful for planning, implementing, maintaining and enforcing ICs, and offers an overview of EPA's policy regarding the roles and responsibilities of the parties involved in the various life-cycle stages of ICs. Final, December 2012. OSWER 9200.0-77, EPA-540-R-09-002, <https://www.epa.gov/fedfac/institutional-controls-guide-preparing-institutional-control-implementation-and-assurance>
- *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites* guidance also discusses how ICs could be used at RCRA post-closure care facilities. (Section 2.3) Final, December 2012. OSWER 9355.0-89, EPA-540-R-09-001, <https://www.epa.gov/fedfac/institutional-controls-guide-planning-implementing-maintaining-and-enforcing-institutional>
- *Long-Term Stewardship: Ensuring Environmental Site Cleanups Remain Protective over Time* report identifies long-term stewardship challenges and opportunities for improvement, and makes recommendations for how EPA and its state, tribal, and local partners should proceed in addressing them. This report also includes a definition of long-term stewardship, why long-term stewardship is important, and what EPA and others are currently doing to address long-term stewardship issues. Final, September 2005, EPA 500-R-05-001, <https://nepis.epa.gov/Exe/ZyNET.exe/P100119V.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2000+Thru+2005&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C00thru05%5CTxt%5C00000015%5CP100119V.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>



**OFFICE OF RESOURCE CONSERVATION AND RECOVERY**

WASHINGTON, D.C. 20460

June 5, 2024

**MEMORANDUM**

**SUBJECT:** Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA)

**FROM:** Carolyn Hoskinson, Director

A handwritten signature in black ink that reads "Hoskinson".

Digitally signed by  
CAROLYN HOSKINSON  
Date: 2024.06.05  
20:15:53 -04'00'

**TO:** Land, Chemicals, and Redevelopment Division Directors, Regions 1-10

**PURPOSE**

The purpose of this memorandum is to provide guidance to EPA Regions, states, and territories on when and how to consider potential adverse climate change impacts in the hazardous waste permitting process under RCRA. This includes recommendations for conducting climate change vulnerability screenings and assessments for treatment, storage, and disposal facilities (TSDFs) to determine whether there are climate vulnerabilities that hazardous waste permits should address.

Adverse impacts of climate change can include the frequency and intensity of extreme weather events, changing wind patterns, temperature fluctuations, increased precipitation, sea level rise, storm surges, inland and coastal flooding, bank and shoreline erosion, changes in groundwater levels and direction of flow, drought, increased risk of wildfires, and permafrost thaw. These potential impacts can threaten the resilience of engineering and other controls at TSDFs for which applicants seek permits from EPA Regions or states and territories authorized to implement the RCRA program. This memorandum identifies authorities, provides interpretations of relevant RCRA provisions, and recommends approaches to ensure that controls will provide long-term effectiveness through resilience to adverse climate change impacts into the future.<sup>1</sup>

Definitions of key terms pertaining to climate adaptation used in this memorandum are included in the attachment.

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<sup>1</sup> This document does not substitute for the statute or regulations, nor is it a regulation itself. Thus, it cannot impose legally binding requirements on EPA, states, or the regulated community, and may not apply to a particular situation based upon the circumstances. Any decisions regarding a particular situation will be made based on the statute and the regulations, and EPA and authorized state/territory decision makers retain the discretion to adopt approaches on a site-specific basis that differ from these recommendations where appropriate.

## **BACKGROUND**

EPA released a Climate Adaptation Plan (CAP) in October 2021 which laid out five priority actions for the agency to implement in the coming years, including integrating consideration of climate impacts into EPA's programs, policies, rulemaking processes, and enforcement activities.<sup>2</sup> In October 2022, EPA's Office of Land and Emergency Management (OLEM) released its Climate Adaptation Implementation Plan, which included the commitment to incorporate climate adaptation into OLEM's mission, programs, and management functions.

## **IMPLEMENTATION**

The 40 CFR Part 264 standards for RCRA TSDFs are designed to ensure that hazardous waste treatment, storage and disposal are conducted in a manner that protects human health and the environment (See RCRA 3004(a)). These standards are implemented through RCRA permits at permitted TSDFs. RCRA permits must ensure that facility operations will comply with these standards (RCRA 3005(c)(1)) and must contain any additional terms or conditions that EPA or the authorized state determines are necessary to protect human health and the environment (RCRA 3005(c)(3)).

The climate change impacts described above may affect what a facility needs to do to comply with the RCRA standards applicable to TSDFs. EPA expects that EPA Regional offices and authorized states and territories will consider the potential for adverse climate change impacts to affect TSDF operations in the permitting process, and that RCRA permits will include the conditions that the permitting authority determines are necessary to ensure that facility operations will be compliant and protective in the face of such impacts. Climate change adaptation considerations should be incorporated as appropriate during initial permit issuance, permit renewal, and/or permit maintenance (e.g., permit modification). The potential for climate impacts should be considered and addressed throughout the expected active life of the facility, as well as during post-closure, as appropriate, not just for the term of the permit or permit modification under consideration.

Conducting climate vulnerability screenings and analyses at TSDFs can help determine whether changes to facility permits are necessary to ensure that TSDFs are resilient to climate events and remain so into the future. For example, prior to receiving a renewal permit application, or during the process of reviewing an application for an initial permit or modification, EPA Regions, states, and territories should perform an initial climate vulnerability screening as appropriate to determine which adverse climate change impacts might apply to the facility. The vulnerability screening is a high-level screening step to determine if a site or facility is located in a geographic area at risk to adverse climate change impacts. If the results of the screening indicate that climate change impacts might plausibly impact the protectiveness of facility operations, EPA, states, and territories should conduct, or should request or require an owner or operator to conduct, a more detailed climate vulnerability assessment to determine whether adaptive measures are necessary. If an initial climate vulnerability screening indicates that adaptive measures are necessary, and no further information or analysis is needed, then the more detailed climate vulnerability assessment is not necessary. However, if the initial climate vulnerability screening indicates a plausible basis for concern and there is uncertainty as to the level of

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<sup>2</sup> For additional information, see <https://www.epa.gov/climate-adaptation/climate-adaptation-plan>.

climate risk or the adaptive measures that may be needed, then the regulator may require a climate vulnerability assessment.

#### **KEY RCRA REGULATORY AUTHORITIES RELEVANT TO CLIMATE CHANGE CONSIDERATIONS IN PERMITTING**

Several regulatory authorities support consideration of potential adverse climate change impacts on permitted activities and the development of permit conditions, as needed, to ensure that such activities will be protective of human health and the environment in the face of such impacts. Below is a list of regulatory provisions, although this is not an exhaustive list of the potentially relevant regulatory provisions.

##### **Facility Design and Operation [§ 264.31]**

Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a release of hazardous waste or hazardous waste constituents that could threaten human health and the environment. EPA Regions and authorized states/territories should consider the potential adverse climate change impacts in ensuring that this standard is satisfied. For example, more frequent storm events as well as temperature fluctuations can influence how a facility's units (e.g., containers, tanks, landfills) should be designed and operated to protect human health and the environment. Facility design and operation may need to change in the face of future climate conditions.

##### **Facility Location Standards [§ 264.18(b)]**

The RCRA regulations generally require facilities located within a 100-year floodplain to be designed, constructed, operated and maintained to prevent washout, should there be a flood. The number of facilities within a 100-year floodplain will likely increase as a result of potential adverse climate change impacts causing floodplains to expand. TSDFs located in a 100-year floodplain will need to ensure their operations comply with this requirement, and permit writers should take care to ensure that permits adequately address this requirement. These requirements should be considered during permit renewal as well as initial permit issuance. In view of changing climate conditions, it will be important to employ an approach for identifying the 100-year floodplain that considers predicted future conditions, and recent flooding events and their impact on the facility, rather than simply long-term historical data.

##### **Contingency Plans [§ 264.50 – 264.56]**

The RCRA regulations require that TSDFs have contingency plans designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Development and review of contingency plans should consider potential adverse climate change impacts.

**Omnibus Authority under Section 3005(c)(3) [§ 270.32(b)(2)]**

The omnibus permit authority provides that “Each permit issued under section 3005 of this act shall contain terms and conditions as the Administrator or State Director determines necessary to protect human health and the environment.” EPA expects that climate change impacts can generally be addressed using more specific regulatory authorities such as those identified above. However, where permitting authorities determine that permit conditions beyond those required under these specific authorities are necessary to protect human health or the environment from potential adverse climate change impacts, the EPA Region or the state/territory has the responsibility to impose such terms and conditions by exercising their omnibus authority.

**Review of State Permits [§ 271.19]**

EPA has the authority to oversee state program implementation to ensure it is consistent with the state’s own authorized requirements. This includes the authority for EPA to comment on a draft permit. EPA can enforce the terms of the comment, even if those terms are not incorporated into the permit, if the comment indicates that the terms are necessary to implement the approved program, as provided in § 271.19(b). EPA Regions should consider potential adverse climate change impacts in evaluating the use of its comment authority.

**Agency Initiated Permit Modifications [§ 270.41(a)(2)]**

This provision authorizes the permitting authority to modify a permit based on “information [that] was not available at the time of permit issuance ... and would have justified the application of different permit conditions at the time of issuance.” Such a basis for permit modifications could include changes due to climate change-related factors (e.g., updated floodplain maps or precipitation data from federal or state sources) that may impact facility operations.

**Part B Permit Application [§ 270.14-270.28]**

The RCRA Part B permit application regulations specify information that must be submitted in permit applications. Particularly relevant are the provisions of § 270.14(11)(iii) and (iv), which relate to floodplains, and also § 270.14(19) relating to mapping and location. EPA Regions and authorized states/territories should work with facility owners and operators to ensure that Part B permit applications are prepared using up-to-date climatological data and data projections for the anticipated life of the facility. This ensures that unit-specific designs and permit conditions remain protective in the face of potential adverse climate change impacts. While not part of the specific Part B Application requirements, a general permit application requirement under § 270.10(k) provides broader authority to require additional information necessary to develop permit conditions that can be used to address climate adaptation concerns.

**CLIMATE ADAPTATION TOOLS**

RCRA climate vulnerability screening tools and assessment methodologies are currently under development. One screening tool has been released in RCRAInfo for sea level rise projections at RCRA facilities (<https://rcrapublic.epa.gov/rcra-public-web/action/posts/5>). EPA also anticipates releasing further policy and guidance regarding how permits can incorporate climate change adaptation considerations through its effort to update the RCRA Model Permit and through development of the

Updates to the RCRA Hazardous Waste Permitting Regulations and Other Technical Corrections rulemaking.

In the interim, for further information, please see the [Superfund Climate Resilience](#) website which provides an overview of climate-related initiatives within the Superfund program, with information about strategies that can be used to evaluate and strengthen climate resilience at Superfund sites. While this website offers guidance on Superfund sites, it can also help inform decisions at RCRA facilities. EPA intends to develop a climate vulnerability assessment methodology for the RCRA program, based on Superfund's methodology.

## CONCLUSION

RCRA permits must be protective of human health and the environment. Climate change has the potential to impact TSDf compliance with RCRA regulatory provisions, and more broadly, the protectiveness of TSDf operations. Thus, throughout the RCRA permitting process, including issuance of initial permits, permit renewals, and permit modifications, EPA Regions and authorized states and territories should work with facilities to consider potential adverse climate change impacts in assuring that RCRA requirements are met and that RCRA permits are protective of human health and the environment in the face of those impacts.

If you have questions about this document or would like assistance with evaluating climate vulnerabilities and adaptation measures as they relate to RCRA permitting, please contact Jeff Gaines, Office of Resource Conservation and Recovery (ORCR), at (202) 566-0332 or [gaines.jeff@epa.gov](mailto:gaines.jeff@epa.gov).

**KEY TERMS PERTAINING TO CLIMATE ADAPTATION**

For purposes of this memo, key terminology<sup>3</sup> includes:

**Adaptation:** Taking action to prepare for and adjust to both the current and projected impacts of climate change.

**Adaptive Capacity:** The ability of a human or natural system to adjust to climate change (including climate variability and extremes) by moderating potential damages, taking advantage of opportunities, or coping with the consequences.

**Climate Change:** Climate change refers to changes in global or regional climate patterns attributed largely to human-caused increased levels of atmospheric greenhouse gases.

**Extreme Weather Event:** An extreme weather event is an event that is rare at a particular place and time of year. Definitions of rare vary, but an extreme weather event would normally be as rare as or rarer than the 10th or 90th percentile of a probability density function estimated from observations. By definition, the characteristics of what is called extreme weather may vary from place to place in an absolute sense.

**Resilience:** Climate resilience can be generally defined as the capacity of a system to maintain function in the face of stresses imposed by climate change and to adapt the system to be better prepared for future climate impacts.

**Vulnerability:** The degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes; it is a function of the character, magnitude, and rate of climate variation to which a system is exposed; its sensitivity; and its adaptive capacity.

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<sup>3</sup> <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>

# BOL Permit Section RCRA Tracking Sheet

**BOLSiteCode** 1418210001

**Federal ID(s)** ILD980700751

**Respond by:** 8/28/2024

**Site:** *BFI, Davis Junction*

**Region:** *Rockford*

**City:** Davis Junction

**County:** Ogle

**Data Regarding Logged Submittal(s) per Log #** *B-142R2*

Review Status	PermitClass	AppType	Reviewers:	RCRA RCRA, CAU, DAU, GAU
Inactive	Renewal Part B Pmt	RCRA Part B	KL	

DocTitle_Description	Submittal Type	Review Type	Agency Response
PCC- Notice	1st Submittal	Technical	Final Action
	Date Received	Date Due	Date Mailed
	<input type="text"/>	<input type="text"/>	07/29/2024

**Submittal Comment:**

Add'l Info	Additional Info	Completeness	Final Action
	Date Received	Date Due	Date Mailed
	05/10/2018	08/08/2018	09/26/2018

**Submittal Comment:**

Resp to completeness NOD	Resp-Completeness NO	Completeness	Draft Denial
	Date Received	Date Due	Date Mailed
	10/16/2017	01/14/2018	06/25/2018

**Submittal Comment:**

Part B Renewal Permit	1st Submittal	Technical	Completeness NOD
	Date Received	Date Due	Date Mailed
	06/22/2017	09/20/2017	09/27/2017

**Submittal Comment:**

## Final Action Data

**For Log No:** B-142R2

Units Addressed	Final Action Status	Date FA Issued	Date NFA	Date Closure Cert Accepted	Acres Remediated
	Approved	09/26/2018	<input type="text"/>	<input type="text"/>	0

**Closure Type:** Institutional Control    **Clean Closed:** 1 Institutional Control:    2 Institutional Control:

<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
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**RCRA POST-CLOSURE PERMIT  
BFI - Davis Junction Landfill – Phase 1**

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BFI – Davis Junction Landfill – Phase I  
 Post Closure Extension (B-142R)  
 JDN REVIEW NOTES

<b>REVIEW NOTE CHECKLIST</b> <b>General Information</b>	
1418210001 / Ogle County BFI – Davis Junction Landfill – Phase I ILD980700751 Post Closure Extension (B-142R)	
<b>Start of Review (Date)</b>	04/30/2024
<b>Project Manager</b>	Jacob Nutt
<b>Groundwater Unit Reviewer</b>	N/A
<b>Corr. Action Reviewer</b>	Jacob Nutt
<b>Brief Description of Project</b>	Extension of Post Closure Care
<b>Site Name/Location</b>	BFI – Davis Junction Landfill – Phase I 8902 N RTE 251, Davis Junction, IL, 61020
<b>Facility Contact</b> <input type="checkbox"/> - Operator <input checked="" type="checkbox"/> - Owner	BFI – Davis Junction Landfill – Phase I    Phone #: 224-970-1129 Attn: James Hitzeroth, Owner                      Email: <a href="mailto:JHitzeroth@republicservices.com">JHitzeroth@republicservices.com</a> 26 West 580 Schick Road Hanover Park, IL. 60103
<b>Owner</b> <input checked="" type="checkbox"/> - Same as Facility Contact	BFI – Davis Junction Landfill – Phase I    Phone #: 224-970-1129 Attn: James Hitzeroth, Owner                      Email: <a href="mailto:JHitzeroth@republicservices.com">JHitzeroth@republicservices.com</a> 26 West 580 Schick Road Hanover Park, IL. 60103
<b>Consultant</b>	Weaver Consultants Group                      Phone #: 312-496-3718 Attn: Michael B. Maxwell, LPG                      Email: <a href="mailto:mmaxwell@wcgrp.com">mmaxwell@wcgrp.com</a> 35 E. Wacker Drive, Suite 1250 Chicago, IL, 60601
<b>Forms, Certifications and Original Signatures</b>	<input type="checkbox"/> - All required forms are provided with the application. <input type="checkbox"/> - Professional Engineer and Licensed Professional Geologist have provided a certification statement and seal as required. * <input type="checkbox"/> - Original signatures present on all documents/forms provided with application. * * Original signatures/seals are not required on additional copies of the application.
<b>Siting (Sec. 3.330 of Act)            Cert. of Siting (LPC-PA8)</b>	Has siting for facility been approved: <input type="checkbox"/> -Yes <input type="checkbox"/> -No <input checked="" type="checkbox"/> -NA
<b>Environmental Justice Evaluation</b> (See <a href="#">Procedure I.28</a> )  <b>SWAP for BOL Permits</b>	Determine if the submittal requires an Environmental Justice (EJ) evaluation, if so use the <a href="#">SWAP for BOL Permits</a> website tool to determine if the facility is located within an EJ area. See <a href="#">BOL Permit Procedure I.28</a> for information on applicability, and performing an EJ evaluation. See the <a href="#">EJ Review Request System Guide</a> for

BFI – Davis Junction Landfill – Phase I

Post Closure Extension (B-142R)

JDN REVIEW NOTES

<p><u>EJ Review Request Webpage</u></p> <p><u>EJ Review Request System Guide</u></p>	<p>information on submitting an EJ Review Request.</p> <p>a. EJ Evaluation Required: <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No</p> <p>b. EJ SWAP Results: <input checked="" type="checkbox"/>-Not in an EJ Area <input type="checkbox"/>-Blue (1) Minority  <input type="checkbox"/>-Yellow (2) Low Income <input type="checkbox"/>-Red (3) Minority &amp; Low Inc.</p> <p>c. EJ Review Request: If the facility is in an EJ area submit an EJ Review Request to the EJ Office using the <u>EJ Review Request</u> webpage.</p> <p>d. <b>Final EJ Office Evaluation Response:</b> (Note: Projects with an EJ status of "Outreach in Progress" will not be signed by the Permit Section Manager).  <input checked="" type="checkbox"/>-Complete – No Outreach <input type="checkbox"/>-Complete – With Outreach</p> <p>e. Documentation: Emails from EJ Office documenting the EJ review should be attached to review notes.</p> <p>Notes: SWAP tool indicated not in EJ area</p>
<p><b>39(i) Certification</b></p> <p><u>39(i) Cert. form (LPC 643)</u></p> <p><b>a. Review</b></p> <p>(See <u>Procedure I.25</u>,  <u>39(i) Investigations Memo</u>          &amp; Sec. 39(i) of the Act)</p>	<p><input checked="" type="checkbox"/>-Not Applicable as this is not an application for a RCRA permit, permit modification, waste storage site, landfill/disposal site, transfer station, treatment facility, incinerator, waste transportation, CCDD fill operation, or tire storage site.</p> <p><b><u>Review of 39(i) Certification:</u></b></p> <p><b>I. Applicant Information:</b> <input checked="" type="checkbox"/>-Complete/adequate <input type="checkbox"/>-Not complete/not adequate</p> <p><b>II. Officers &amp; Employees:</b> <input checked="" type="checkbox"/>-Complete/adequate <input type="checkbox"/>-Not complete/not adequate</p> <p><b>III. Owner, Operator, Officer, and Employee Information:</b></p> <p><b>A. Prior Conduct Identification:</b></p> <p><input type="checkbox"/>-Yes <input type="checkbox"/>-No: Are one or more of the questions in this section marked "Yes"? If so, an Attachment A must be included (see below).</p> <p><b>B. Pending Proceedings:</b></p> <p><input type="checkbox"/>-Yes <input type="checkbox"/>-No: Are one or more of the questions in this section marked "Yes"? If so, an Attachment A must be included (see below).</p> <p><b>C. Prior Application Information:</b></p> <p>i. <input type="checkbox"/>- Yes <input type="checkbox"/>-No: Are Previously submitted <u>Attachment A</u>'s incorporated into this Certification?</p> <p>ii. <input type="checkbox"/>- Yes <input type="checkbox"/>-Not complete/adequate: If C.i. is checked yes; are the applications containing the previously submitted <u>Attachment A</u>'s identified?</p> <p><b>Certification Statement:</b> <input type="checkbox"/>-Yes <input type="checkbox"/>-Not complete/not adequate: Has the certification been signed by responsible corporate officer who meets the requirements of 702.126(a)(1)?</p> <p><b>Attachment A – Information for Individual Persons:</b> Required if item III A. and/or B. above is check Yes.</p> <p><input checked="" type="checkbox"/>-N/A <input type="checkbox"/>-Yes <input type="checkbox"/>-Not complete/adequate: Attachment A has been completed and contains the required information for individuals, identified in Section II that have</p>

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<p><b>b. FACES Database Review</b>  <u>FACES-DB</u>  <u>FACES – 39i Guidance</u>  <u>FACES User Manual</u></p> <p><b>c. Full Compliance History (FCH) Review</b></p> <p><b>d. Other Information</b></p> <p><b>e. 39i violations identified that may require permit denial.</b></p> <p><b>f. Revised Permit Condition for 39(i)</b></p>	<p>prior findings, convictions or pending proceedings.</p> <p><input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No: Facility has more than two consent decrees. If “Yes” request Full Compliance History (FCH), see item c. below.                  Notes: 2 open CCAs – 1/30/2020 and 11/10/2020</p> <p>FCH Requested: <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-N/A: If item b above is checked yes, request a full report of the site compliance history for the facility from the Waste Reduction and Compliance Section, Manager.<sup>1</sup>                  Date FCH request made:</p> <p><b>Other Information:</b> <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No: Other information has been identified that suggest that applicant has not been truthful, or information provided is incomplete. Other information can be from public comments, news reports, personal knowledge, etc.</p> <p><input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No: 39i violations identified that may require permit denial. If yes, a memo to the Unit Manager should be prepared detailing the violations.                  i. <input type="checkbox"/>-A memo, dated _____, has been forwarded to the Unit Manager for evaluation.</p> <p><input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-N/A: Permit Condition _____ has been revised to require the submittal of 39(i) Certification Forms with all applications (see item 4 of Procedure I.25).</p>
<p><b>Field Office Section</b></p>	<p>a. FOS Region/Contact: Rebecca DeMay Email: <a href="mailto:rebecca.demay@illinois.gov">rebecca.demay@illinois.gov</a>                  Phone: 815-987-7272</p> <p>b. Field Inspection Required: <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No If yes, a memo/email should be prepared and sent to the FOS contact, copy FOS Regional Manager.                  i. <input type="checkbox"/>-A memo/email, dated _____, has been forwarded to the FOS.</p> <p>c. Comments Received from FOS: <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No</p>
<p><b>CROPA Memo</b>  <u>Procedure I.31</u>  <u>CROPA Template</u></p>	<p>a. <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No : CROPA Memo distributed on _____.</p> <p>i. <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No: Permit(s) from other Bureaus required.</p>
<p><b>Name Change Requested</b></p>	<p>a. <input type="checkbox"/>-Yes <input checked="" type="checkbox"/>-No If yes:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/>-Reviewer has completed <u>Site Inventory Data Input Form -OR-</u></li> <li>• <input type="checkbox"/>-Facility has submitted an <u>Illinois EPA Inventory Application.</u></li> </ul>

<sup>1</sup> See item 2 of June 26, 2018 39(i) Investigations Memo

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<p><b>Right to Know Evaluation</b>  <u>Sec. 25d of Act</u>  <u>Right-to-Know Evaluation Form (April 2021)</u>  <u>Right-to-Know Fact Sheet</u>  <u>Issued Right-to-Know Notifications (IEPA website)</u></p>	<p>a. <input type="checkbox"/> -N/A No release near the property boundary has been documented, -OR-                  b. <input checked="" type="checkbox"/> - Right-to-Know Evaluation Performed: Soil, soil gas and/or groundwater contamination warranted the completion of a Right-to-Know Evaluation. The evaluation determined:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> -Further evaluation required.</li> <li>• <input type="checkbox"/> -Additional information is required to make an evaluation.</li> <li>• <input checked="" type="checkbox"/> -No criteria met; site does not warrant further evaluation.</li> </ul> <p>If an evaluation has been conducted the Right-to-Know Evaluation Form must be attached to the review notes.                  Notes: Log No. B-142R2-M-7 Right-to-Know Evaluation performed by Paula Stine</p>
<p><b>RCRA Permit / Corrective Action Submittals</b>  <u>USEPA RCRAInfo Database</u>  <u>IEPA RCRAInfo Data Entry Guidance (Draft)</u>  <u>USEPA R1 RCRAInfo Data Entry Walk Through</u>  <u>USEPA Comprehensive RCRAInfo Help &amp; Guidance</u>  <u>USEPA RCRAInfo Data Element Dictionary</u></p>	<p><input checked="" type="checkbox"/> - N/A</p> <p>a. RCRA Info: Enter data into the <u>USEPA RCRAInfo Database</u> for RCRA permits, permit modifications, and Corrective Action submittals as required. See linked documents to the left for additional guidance.</p> <p>b. <input type="checkbox"/> -Yes <input type="checkbox"/> -No <input type="checkbox"/> -N/A: Confirm Permit Modification Class Correctly Identified: The submittal has been properly classified by the applicant i.e., as a Class I, Class I*, Class II or Class III modification (35 IAC 703.280) or as a Corrective Action submittal.</p> <p>If the permit class was <u>not</u> correct:</p> <ul style="list-style-type: none"> <li>• <input type="checkbox"/> - Admin Support was contacted to correct the permit class in the RCRA Database, and the Tracking Sheet was updated and was redistributed to the FOS regional office and other staff.</li> <li>• <input type="checkbox"/> -Yes <input type="checkbox"/> -N/A: If necessary, the applicant has been notified of the change in the permit modification Class of the submittal. (35 IAC 703.280(d)(2)(A); 703.282(f)).</li> </ul>

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**REVIEW NOTES**

**1418210001 – Ogle County**  
**BFI – Davis Junction Landfill – Phase I**  
**ILR980700751**  
**Post Closure Extension RCRA Permit**

**Reviewer: Jacob Nutt**

**Approved by Takako Halteman P.E.**

<b>Post Closure Extension</b>	
<b>Date</b>	<b>Description</b>
12/15/2016	Guidelines for evaluating the post closure care period for hazardous waste disposal facilities under Subtitle C of RCRA
7/20/2022	ASTSWMO Position paper Post-closure Care Beyond 30 Years at RCRA Subtitle C Facilities
7/1/2022 8/19/2022	Draft and Final Decision to Extend Post Closure Care Period for North Chicago site (0971250007)
3/11/2024	Draft Permit Issued to Greenfield Multistate Trust (former Tronox Facility) to include extending Post -Closure care period
3/13/2024	Final decision to extend Post-Closure Care period for RCH Newco
2/22/2024	BFI annual leachate research
4/18/2024	Motion to Supplement Record on Appeal
4/25/2024	JDN Review Notes
6/5/2024	<i>USEPA Memo Regarding Climate Change in Permitting</i>

**REVIEW NOTES – JACOB NUTT**

BFI – Davis Junction Landfill – Phase I  
 ILD980700751  
 Post Closure Extension  
 RCRA Permit

Source Contact -- James Hitzeroth  
 BFI Waste Systems of North America, LLC  
 26 West 580 Schick Road  
 Hanover Park, IL. 60103  
 (224)970-1129  
[jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com)

**I. INTRODUCTION**

There are no submittals for this form. This is an Agency-initiated extension of the post closure care period for BFI Davis Junction. The current RCRA permit for BFI has the post closure care period ending on December 5, 2024, according to Condition I.C.2 of the current permit.

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However due to BFI actively generating leachate and the fact that the hazardous waste remains in place, the Illinois EPA has determined that extending the post closure period for BFI is necessary. The post-closure of the RCRA Units (Phase I Landfills) began on December 5, 1984. The 10 year extension of the Post Closure Care period was previously by the facility on October 21, 2014 (Under Log Bo B-142R-M-15) through a Class 2 permit modification.

BFI previously has submitted multiple class 1\* permit modifications in regard to financial assurance (Log No. B-142R2-M-1; M-2; M-4; M-6; M-7). These were approved in September of 2023, but in the approved permit modification the Illinois EPA updated the financial assurance requirement in the permit to reflect a need for full 30-years of post-closure care cost.

BFI also submitted another permit modification (Log No. B-142R2-M-3), which was to incorporate a leachate accumulation tank into their RCRA permit, this modification is still under review.

The need for the modifications Log No. B-142R2-M-1; M-2; M-4; M-6; M-7 and Log No. B-142R2-M-3 indicates that BFI is still actively generating leachate. Further research into records submitted by BFI confirmed this and although the Illinois EPA in the past has already extended the post closure period for BFI beyond the original 30 years by an additional 10 years it is still actively generating leachate and thusly the post closure care period will still need to be extended.

## **II. PERTINENT SITE HISTORY & CONDITIONS**

### **1. Leachate Generation**

The Illinois EPA reviewed historical data from BFI's reports on leachate generated at the site from 2006 to 2021. This review of historical records shows that although BFI has reduced the average amount of leachate generated that BFI continues to generate a significant amount of leachate. There is no indication that the amount of leachate generated at the BFI Davis Junction is approaching 0 in the near future. The actual dates of the below records is included in the Annual Reports section of this Administrative file.

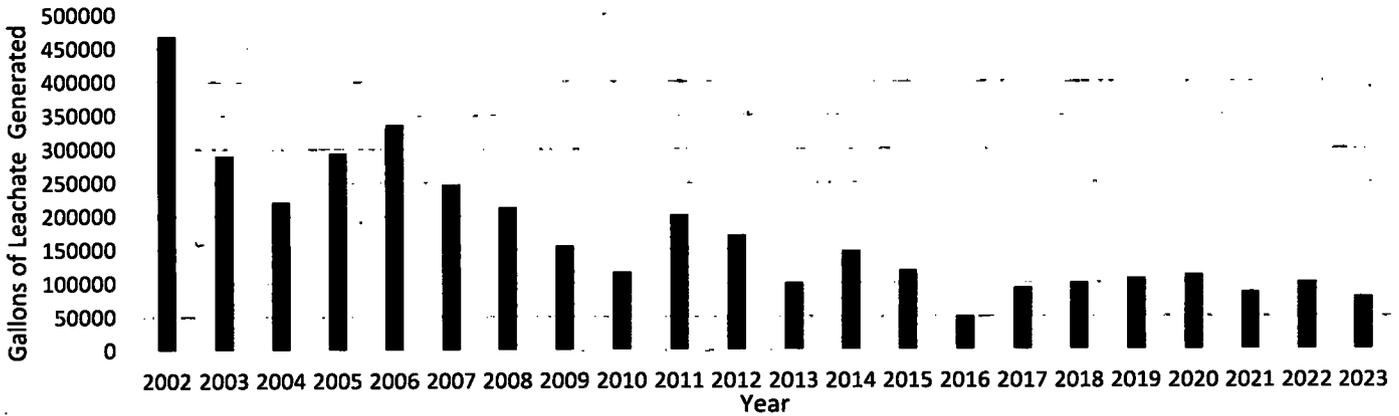
Below I have included the data from the leachate generated in Hazardous Waste Annual reports:

Reporting Year	Leachate Generated(gallons)
2002	468,300
2003	290,000
2004	221,000
2005	294,000
2006	335,650
2007	246,800
2008	213,000
2009	155,900
2010	116,800
2011	201,650

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2012	171,060
2013	100,000
2014	148,000
2015	119,000
2016	50,100
2017	93,000
2018	100,000

BFI Leachate Generated in Gallons Per Year



2019	107,000
2020	112,146
2021	86,300
2022	101,300
2023	79,400

5 Year Average 97,229

**IEPA Reviewer's Comments:**

Based on my review of 35 Ill. Adm. Code 724 I believe that not only should the post closure care period for BFI be extended, but that it must be. This is due to 35 Ill. Adm. Code 724.410(b). This is the Closure and post closure section of 35 Ill. Adm. Code 724.

Below is the exact text of 35 Ill. Adm. Code 724.410(b)

**Section 724.410 Closure and Post-Closure Care**

- b) After final closure, the owner or operator must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must do the following:

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- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;
- 2) Continue to operate the leachate collection and removal system until leachate is no longer detected;

This language specifies that the leachate collection and removal system must continue to be operated until leachate is no longer detected at the landfill. This is why above I have created the data list and graph that shows the leachate at BFI while decreasing is not projected to be reaching non detect in the near future.

Additionally the citation of 35 Ill. Adm. Code 724.410 was included in the permit as Conditions I.8.b and I.8.d as shown below.

**Condition I.8.b**

- b. Continue to operate the leachate collection and removal system throughout the post-closure care period in accordance with Section E of the approved permit application until pumpable quantities of leachate are not present. If operation of the leachate collection and removal system is discontinued under this provision, the Permittee must continue to monitor leachate levels during the Post-Closure Care period. If leachate levels rise to pumpable levels during the Post-Closure Care period, the Permittee must resume operation of the leachate collection and removal system until pumpable levels of leachate are no longer present.

Existing leachate head levels must be reduced within the unit through active vertical extraction to the lowest pumpable levels. Progress towards lowering the leachate head levels must be monitored by taking quarterly leachate level measurements from the leachate head wells. These measurements must be recorded and maintained with the facility operating record. The actual leachate head maintenance level must be established based on the performance of the extraction system over time. The Permittee must maintain the lowest pumpable leachate levels within all vertical extraction wells.

The Permittee must perform leachate sampling in accordance with the Delisting Petition approved by the Illinois Pollution Control Board (AS 08-5) dated December 5, 2008. Leachate samples must be taken semi-annually from the leachate holding tank and analyzed for the constituents identified in the approved Delisting Petition mentioned above as well as the following parameters: Chemical Oxygen Demand (COD); 5-Day Biochemical Oxygen Demand (BOD5), total solids, total suspended solids, iron and pH. Data from the annual leachate analysis must be recorded and maintained with the facility operating record.

**Condition I.8.d**

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- d. Continue to operate the leachate collection and removal system, and leak detection systems until leachate is no longer detected.

BFI has already had the Post Closure Care period extended by 10 years in 2014. During this timeframe BFI has submitted a Class 3 Permit Modification to include a Hazardous Waste Accumulation tank to the RCRA permit. Currently BFI's RCRA permit has the Post Closure Care period ending on December 5, 2024. Since BFI currently maintaining and monitoring leachate from the Phase I landfill there is a need to have the Post Closure Care Period extended.

**2. Waste Disposed at Phase I Landfill and Its Design**

The wastes contained in the Phase I Landfill are considered RCRA hazardous wastes due to 2% of the disposed wastes being hazardous materials. The hazardous materials include 96% heavy metal sludges; 4% spent solvent still bottoms, spent solvent sludges, petroleum refining residues, rodenticides glycol, polystyrene, and phthalic anhydride.

Since hazardous wastes remain at the Phase I Landfill, and leachate and gas generation persist, the Phase I Landfill is susceptible to long-term risks and requires continued maintenance and management under post-closure care.

The existing cover system design for the Phase I Landfill, from top to bottom is:

- 1) 36-inch thick final cover protective layer to support vegetation (the top 6 inches (minimum) of which is topsoil)
- 2) Geotextile filter fabric
- 3) Geonet drainage layer
- 4) 40-mil polyethylene geomembrane
- 5) 24-inch compacted clay layer composed of materials for the old cover materials used for the historical landfill beneath the Phase I Landfill. The existing leachate collection system consists of 15 leachate extraction points on 250-to-300-foot centers. As noted in the 2016 USEPA Guidance, a viable cover is the most important mechanisms in preventing leachate generation and, ultimately, a release of contaminants to the environment. Maintenance and monitoring of the cover system must continue to preserve its integrity.

**3. Landfill Gas Generation**

BFI Davis Landfill has undergone nearly forty (40) years of post-closure care, to this day landfill gas continues to be generated, and therefore, a landfill gas monitoring/management program must continue at Phase I Landfill. The gas collection system must remain operational and be maintained.

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On June 26, 2024, Environmental Science & Technology Letter (ES&T) which Landfill gas has undergone increased scrutiny which revealed concerns of polyfluoroalkyl substances (PFAS) in gasses emitted from landfills. The repercussion of this study is not yet enshrined in regulations but is cause for increased monitoring and management of landfill gasses.

### **III. Extending the Post-Closure Care Period and Requiring 30-Year Cost Estimate for Financial Assurance for RCRA Hazardous Waste Landfill**

#### **1. Purpose**

This section provides this reviewer's rational and reasoning for requiring Condition III.H for post-closure care of the Landfill in the subject RCRA Permit Mod for BFI – Davis Junction Landfill. Condition III.H (Post-Closure Care Cost Estimate/Financial Assurance) has required BFI to provide financial assurance for 30 years of post-closure care cost to the Illinois EPA in the Permit Mod B-142-M-15.

#### **2 Discussion of Updated Permit Conditions in Section III: Post-Closure Care**

The following issue was addressed with the updated conditions in the last modified permit.

1. **Financial Assurance Requirements for Post-Closure Care of a Hazardous Waste Landfill**  
Illinois EPA's previous requirements for the number of years for the post-closure care cost estimate was 30 years OR prorated with a number of years completed with a minimum of 10-year. This decision was thought to be based on the fact that each RCRA permit was effective for a period of 10-years. I have no record of how this decision was changed from 30-year requirement.

The minimum of 10-year requirements did not include the consideration when the facilities go bankrupt, in which case the State (or a Third Party) has to take the responsibilities of post-closure care of a hazardous waste landfill. It is a general knowledge that 10-year cost of post-closure care would not come close to being enough to cover the cost to maintain the landfill in perpetuity or to remediate a hazardous waste landfill. As discussed in Section 3 below, it is necessary to require a minimum of 30 years of Post-Closure Care cost estimate for financial assurance as the maintenance effort must continue in perpetuity if the waste remains in place. As required in Section 724.217 (a) (1), a minimum of 30-years of post-closure is required while a RCRA permit is in effect. As the requirements specifies 30-years although as mentioned in Item 2 above the future maintenance of a close hazardous waste landfill should continue in perpetuity, 30 years in general is used as required for cost estimate for financial assurance purpose. If any evidence shows that the estimated cost should be higher than the 30-year cost, then it should be adjusted to a higher number of years.

3. **Illinois EPA's Evaluation of Post-Closure Requirements of Hazardous Waste Management Units**

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As many hazardous waste management facilities are nearing the 30-year mark from the date their post-closure care began, Illinois EPA, other States, and USEPA began to examine and evaluate the applicable requirements in the regulations to determine whether and how the completion of the required post-closure can be met.

The afore-mentioned permit conditions and requirements regarding post-closure care of a hazardous waste landfill were developed based on the following applicable regulations and reference materials:

- a. 35 IAC Part 724 Section 724.131, Subpart G Sections 724.210 through 724.220, Section 724.410 and 35 Ill. Adm. Code 724 Subpart H;
- b. 35 IAC 703 Section 241(a)(2) and 35 IAC 703 Appendix A.E.2;
- c. Sections 12(a), 21(n) and 39(g) of the Environmental Protection Act (Act);
- d. USEPA's Guideline for Evaluating Post-Closure Care Period, dated December 15, 2016;
- b. ASTSWMO Position Paper, dated July 20, 2022 "Post-Closure Care Beyond 30 Years at RCRA Subtitle C Facilities"; and
- c. Illinois EPA's recent decisions regarding extending post-closure care at other RCRA facilities in Illinois.

### 3.1 Post-Closure Care Requirements under 35 IAC724

35 IAC 724 is applicable to all RCRA permitted facilities. Section 724.131, Subpart G has specific requirements regarding the post-closure care, the property use and extending the post-closure care period.

#### Maintenance of Facility

In accordance with Section 724.131, facilities must be designed, constructed, maintained and operated to minimize the possibility of any release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

#### Post-Closure Care Period

In accordance with Section 724.217 (Post-Closure Care and Use of Property), under Subsection 724.217(a)(1), post-closure of a hazardous waste management unit must begin after completion of closure of the unit and continue for 30 years after that date.

#### Post-Closure Use of Property

Subsection 724.217(c)(1) prohibits any disturbance of the integrity of the final cover, liner, or any other components of the containment system or the function of the monitoring system unless it is necessary to protect and reduce the threat to human health and the environment.

Extending the Post-Closure Care Period under Section 724.217

- Subsection 724.217(b)(2)(B) allows for extending the post-closure care period when it is necessary to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that may be harmful to human health and the environment). The extension can be done through an adjusted standard issue by the Board pursuant to Section 28.1 of the Act and 35 IAC Parts 101 and 104.
- In the case that Amendment of Plan for Post-Closure Care is necessary, Illinois EPA may request the facility to submit a permit modification to amend the post-closure care plan allowed under Section 724.218(d)(2) in accordance with Section 724.218(d)(4). Any modification submitted per request of Illinois EPA must meet the requirements of 35 IAC Parts 703 and 705. Section 703.270 requires that facility must submit a permit modification requested by the Illinois EPA or the Illinois EPA may initiate the permit modification.

Land Disposal Unit Specific Requirements for Closure/Post-Closure under Section 724.410  
Section 724.410 lists specific closure/post-closure requirements for landfills. Subsection 724.410(a) specifies the minimum standards for construction of the final closure of a landfill, which includes, among other things, long-term minimization of liquid through the closed landfill and maintenance of the cover integrity be maintained.

Subsection 724.410 (b) requires the facility to maintain the integrity and maintenance of the final cover and requirement to continue operation of leachate collection and removal. It also requires monitoring of Leachate Detection System (LDS) and groundwater monitoring.

Required Financial Assurance

- Under 35 IAC Part 724 Subpart H, Sections 724.244 and 724.245, the post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 724.217. Also under Section 724.244(b), the cost estimate must be adjusted for inflation.

According to the applicable regulations listed above, it is determined that it is necessary to continue the maintenance for Landfill by extending the post-closure care period to adequately protect human health and the environment. In evaluating the current conditions of the landfill by assessment of leachate or groundwater monitoring results or potential for any migration of hazardous wastes which may threaten human health and the environment, the Illinois EPA may request the facility submit a permit modification.

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### **3.2 Permit Conditions and Modification Requirements in 35 IAC Part 703 Sections 703.241(a)(2) and 703 Appendix A.E.2**

35 IAC Part 703, Section 703.241 has specific requirements regarding Establishing Permit Conditions, which reads:

Each RCRA permit issued pursuant to Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] must contain terms and conditions that the Agency determines are necessary to adequately protect human health and the environment

Section 39(d) of the Act specifies that all RCRA permits must contain terms and conditions, schedules of compliance, which may be required to accomplish the purpose and provisions of the Act.

It is further specified that extending the Post-Closure Care is classified as a Class 2 Modification request in Section 703, Appendix A.E.2. Therefore, it is appropriate for the Illinois EPA to require the facility to submit a request to extend the post-closure care period by a specified date in a compliance schedule of the RCRA permit. Extending post-closure care is a necessary requirement to meet the terms of 35 IAC Part 724 included in Section 3.1 above and the requirements of the Act (also discussed in Section 3.3 below). A minimum of 180-day prior to the end date of the initial 30-years of post-closure care period is recommend timeline for a facility to submit a Class 2 Modification to the permit as it involves a public comment period before making the final decision. Since the post closure period for BFI has already been extended the current end date of post closure is December 5, 2024. This Class 2 Modification must be submitted to the Illinois EPA within 60 days of this extended closure date.

### **3.3 Sections 12(a), 21(n) and 39(g) of the Act**

The following three sections of the Act apply for the post-closure care of hazardous waste landfills in Illinois:

**ACT – 12(a):** No person shall: Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

**ACT - 21(n):** Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.

**ACT - 39(g):** The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions

have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

In accordance with 39(g) and 21(n) of the Act, the Illinois EPA must include land use restrictions for the hazardous waste landfill under post-closure care to protect public health and the environment. The establishment of the land use restrictions is also necessary to meet the conditions of 12(a) of the Act to prohibit discharge of any contaminants into the environment.

### **3.4 USEPA Guideline for Evaluating Post-Closure Care Period, dated December 15, 2016**

A Guideline for Evaluating Post-Closure Care Period dated December 15, 2016, was distributed by USEPA. Because many hazardous wastes degrade slowly or do not degrade under containment in these units, the continued presence of hazardous waste in the unit (*i.e.*, any case other than clean closure) indicates the potential for unacceptable impacts on human health and the environment in the future if post-closure care is not maintained. For example, there are often uncertainties in whether controls will continue to function as planned and whether future activities will lead to unplanned exposures to human and environmental receptors. Even if there is no current evidence of actual releases from the facility, significant factors can change over time.

As far as the 30-yr post-closure period goes, the regulations' identification of a default 30-year post-closure care period does **not** reflect a determination by EPA that 30 years of post-closure care is necessarily sufficient to eliminate potential threats to human health and the environment in all cases. Nor is the full 30-year period always necessary.

The evaluation criteria listed in the guidance document include:

- Nature of waste in the unit. EPA recommends that current data from regulatory standards be used for comparison to facility-specific performance goals articulated in the post-closure plan, and that, as necessary, the plan be updated to account for any new information on toxicity and carcinogenicity and understand constituents of concern which may change over time.
- Design of the Unit. It is recommended that the permitting authority consider any unit-specific design, in concert with applicable closure and post-closure care requirements, when evaluating whether adjustment of the post-closure care period is warranted to protect against any potential risk on human health and the environment.
- Leachate: Monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit
- Groundwater: Groundwater monitoring serves as the primary means of detecting leachate releases and groundwater contamination.

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- **Siting & Site hydrogeology**: Relevant facility location characteristics (which might have changed since the post-closure plan was approved) may include proximity to vulnerable areas such as residential areas and surface and drinking water sources. The current and reasonably anticipated future land use of the facility and surrounding properties may also be relevant. Location in potentially vulnerable areas increases the likelihood and potential severity of releases.
- **Facility History**: All waste management must be adequately managed to prevent releases of contaminants to the environment. Good compliance records, routine maintenance and inspections, emergency procedures to handle natural disasters, and prompt and efficient response to spills and other incidents, are some of the management practices that help demonstrate whether the unit has been adequately managed.
- **Integrity of cover system**: A viable cover is the most important mechanism in preventing leachate generation and, ultimately, releases of contaminants.
- **Long Term Care**: Establishment and maintenance of physical and legal controls are necessary to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place.

A long-term stewardship is necessary to be established to maintain the physical and legal controls that are necessary to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place at a site or closed facility. EPA also recommends that consideration be given as to whether a funding source is available to support any necessary ECs and ICs in the future.

It is Illinois EPA's determination that as long as hazardous waste is left in place, the risk of future potential for the contamination continues to exist at the hazardous waste landfill. In order to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place, hazardous waste management units with waste left in place, Long Term Stewardship (LTS) for all hazardous waste management units is necessary to continue the maintenance of the landfill in perpetuity. Furthermore, as USEPA recommends, the funding for the LTS is necessary to implement the LTS.

So long as the decision to leave waste in place is compounded with BFI managing and monitoring leachate generated at the Phase I landfill, post closure care cost will need to be maintained. Additionally BFI's extended post closure care period currently ends on December 5, 2024 and in order to prevent a lapse in post closure care costs the Illinois EPA is seeking to extend the post closure care period for BFI.

### **3.5 ASTSWMO Position Paper, dated July 20, 2022 "Post-Closure Care Beyond 30 Years at RCRA Subtitle C Facilities"**

The ASTSWMO (Association of State and Territorial Solid Waste Management Organization) Board of Directors prepared and sent a Position Paper, entitled POST-CLOSURE CARE

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BEYOND 30 YEARS AT RCRA SUBTITLE C FACILITIES, dated July 20, 2022, to the USEPA to recommend that USEPA either revise the RCRA regulations for post-closure or issue supplemental guidance on the implementation of the post-closure regulations under Subtitle C of RCRA. Such guidance should be congruent with the key issues highlighted in the issues section of this position paper. ASTSWMO remains ready to work with EPA to achieve a mutually satisfactory outcome on this very important issue.

This Position paper highlighted the issues that the USEPA guidance needs to be made clear to:

- State that there is a presumption that a Subtitle C post-closure care obligation remains as long as hazardous waste remains in a closed land disposal unit, even if there is no evidence of a release after 30 years of post-closure care ;
- Require Financial assurance obligation during the extended post-closure care period must be maintained;
- Allow for an alternate endorsable document such as EC can be used to control such requirements and restrictions;
- Provide guidance for monitoring for any new emerging or newly listed wastes.

*Illinois EPA agrees with above, and the subject permit conditions reflect the issues and concerns addressed in the Position paper within the currently applicable regulations and the guidance.*

### **35 Ill. Adm. Code 703.241(a)(3)**

If, as the result of an assessments or other information, the Agency determines that conditions, in addition to those required under subpart EEE of 40 CFR 63 or 35 Ill. Adm. Code 724 or 726, are necessary to ensure adequate protection of human health and the environment, the Agency must include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.

### **Illinois EPA Comment**

The Agency did determine that in order to ensure adequate protection of the environment and human health that post closure care must be extended. This determination was the stimulus for the post closure extension letter being sent to BFI.

### **35 Ill. Adm. Code 703.270**

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill. Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit

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is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271 or 703.272, the Agency must not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency must approve or deny the request according to the procedures of Section 703.280 through 703.283 or Section 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 must be followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (2017). The Board has chosen to use “reissue” where the corresponding federal provisions use “revoke and reissue”. Revocation is a remedy in the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b); 35 Ill. Adm. Code 702.186. The Board intends that a reissued permit completely supercede the earlier version of that permit.

### Illinois EPA Comment

The Illinois EPA received a Class 3 permit modification for BFI’s RCRA permit. This was to incorporate a Hazardous Waste Accumulation Tank. This modification was received in addition to multiple class 1\* permit modification requests involving financial assurance.

During the review and drafting process of the Class 3 permit modification I had several discussions with other RCRA unit staff in regard to leachate at this site. This led to the investigation of the annual leachate records which have been included in this administrative record.

Internal discussion in regard to BFI Class 1\* permit modifications and Class 3 permit modification along with discussions of the information found after reading the annual leachate reports from BFI lead the Illinois EPA to the need to modify the RCRA permit accordingly which would be via a Class 2 permit modification and the extension of Post-Closure Care.

### 35 Ill. Adm. Code 703.271

The following are cause for modification, but not reissuance, of permits; the following are cause for reissuance as well as modification when the permittee requests or agrees:

- a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
- b) Information. The Agency has received information. Permits will be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

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- c) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.
- d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.
- e) The Agency must also modify a permit as follows:
  - 1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 724.218(b).
  - 2) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.
  - 3) When the permittee has filed a request under 35 Ill. Adm. Code 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(d) that an upward adjustment of the level of financial responsibility is required.
  - 4) When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.200 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.
  - 5) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a corrective action program under 35 Ill. Adm. Code 724.200, and the compliance period ends before the end of the post-closure care period for the unit.
  - 6) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.
  - 7) To include conditions applicable to units at a facility
  - 8) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.

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- f) Notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under 35 Ill. Adm. Code 702.161(d), the Agency must modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this Part and 35 Ill. Adm. Code 702, 703, and 720 through 727.

**Illinois EPA Comment**

The Illinois EPA sees the additional information which was provided by the Class 3 permit modification request as additional information on the BFI site. In that submittal the Illinois EPA was able to discern that BFI is still generating leachate from the Phase I landfill with no end to the generation or maintenance or monitoring being discussed.

Due to this additional information presented to the Illinois EPA in regard to the BFI site along with the records submitted by BFI which show historical leachate generation levels there is no reason to believe that BFI will reach an end to the generation of leachate and thus no foreseeable end to the need for maintenance and monitoring thereof.

**35 Ill. Adm. Code 703.282**

- a) For Class 2 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:
- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
  - 2) Identifies that the modification is a Class 2 modification;
  - 3) Explains why the modification is needed; and
  - 4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.
- b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;

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- 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d);
  - 3) Name and telephone number of the permittee's contact person;
  - 4) Name and telephone number of an Agency contact person;
  - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
  - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person".
- c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located, unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.
- e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) Agency Decision
- 1) No later than 90 days after receipt of the notification request, the Agency must:
    - A) Approve the modification request, with or without changes, and modify the permit accordingly;
    - B) Deny the request;
    - C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:
      - i) There is significant public concern about the proposed modification; or
      - ii) The complex nature of the change requires the more extensive procedures of Class 3;
    - D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or

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- E) Notify the permittee that the Agency will decide on the request within the next 30 days.
- 2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:
- A) Approve the modification request, with or without changes, and modify the permit accordingly;
- B) Deny the request;
- C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:
- i) There is significant public concern about the proposed modification; or
- ii) The complex nature of the change requires the more extensive procedures of Class 3; or
- D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.
- 3) If the Agency fails to make one of the decisions specified in subsection (f)(2) by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (f)(2), or (f)(3), such action cancels the temporary or automatic authorization.
- 4) Notification by Permittee
- A) In the case of an automatic authorization under subsection (f)(3), or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D), if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:
- i) That the permittee has been authorized temporarily to conduct the

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activities described in the permit modification request; and

- ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
- B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A), the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.
- 5) Except as provided in subsection (f)(7), if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.
- 6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.
- 7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.
- g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) for the following reasons:
- 1) The modification request is incomplete;
  - 2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements; or
  - 3) The conditions of the modification fail to protect human health and the environment.
- h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing

**Illinois EPA Comment**

With the additional information that the Illinois EPA has received from BFI along with research

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of historical records it is the belief of the Illinois EPA that BFI will need to submit a class 2 permit modification to address the need for continued post closure care and the associated post closure care costs.

Due to the regulations set forth in 35 Ill. Adm. Code 703.282 the Illinois EPA cannot unilaterally seek this modification. This is why the Illinois EPA is instead sending the post closure extension letter to BFI in order to initiate the 35 Ill. Adm. Code 703.282 process so that BFI can properly be in compliance after December 5, 2024 as it seems clear in the data provided to the Illinois EPA on behalf of BFI that the BFI Phase I landfill will still be generating leachate at that time.

**35 Ill. Adm. Code 703 Appendix A.E.2**

E. Class	Post-Closure Modifications	
2	2.	Extension of post-closure care period.

**Illinois EPA Comment**

In 35 Ill. Adm. Code 703 Appendix A.E.2 it is expressly written that for the post closure care period to be extended that a class 2 permit modification must be submitted. Working backwards from this point is the reason that the Illinois EPA as prepared the post closure care extension letter which instructs BFI that a class 2 permit modification must be submitted in order to maintain compliance.

**3.6 Illinois EPA's Decisions Regarding Extending Post-Closure Care at other IL RCRA Facilities and Communications from Other States**

The Illinois EPA recently has made the following decisions regarding post-closure care beyond the initial 30-years for the following permitted and interim status facilities:

- On July 1, 2022, Illinois EPA issued its proposed decision to deny the request for the completion of post-closure care and extend the post-closure care period beyond the initial 30 years at the City of North Chicago site (0971250007). After a public notice and the comment period, the Illinois EPA's final decision to extend the post-closure care period at the City of North Chicago was issued on August 19, 2022.
- On November 15, 2022, Illinois EPA issued its proposed decision to extend the post-closure care period beyond the initial 30 years at the RCH Newco site (1978030005). The final decision to extend the post-closure care period was issued by the Agency on March 13, 2024 (C-68).
- In addition to the extending the post-closure care period, a renewed RCRA Post-Closure Permit was issued for CID site (0310390001) on January 19, 2023, This permit has post-closure requirements in Section I of the permit, which contains the updated requirements in the Post-closure Section, which were the reflection of the updated template for the

post-closure section to require that post-closure care may be extend if necessary to protect human health and the environment and that the environmental covenant (EC) is necessary to be established prior to exiting the permit.

- A draft renewed permit for Greenfield Multistate Trust (Former Tronox) site was issued on March 11, 2024, which included the Agency's decision to extend the post-closure care period beyond the 30-year. The final renewed permit for this site will be finalized and issued soon.
- In addition, the Illinois EPA has proposed to and will extend Post-Closure care at the Greenfield Multistate Trust (formerly Tronox) site in its renewed Permit draft dated 3/11/2024). Final Permit was issued on July 18, 2024.

When questions were raised regarding the extending of Post-Closure at other States during the USEPA-Lead Post-Closure Care Implementation Group (which met generally on a Bi-Weekly bases in 2022 through April 2023), it was general concurrence among USEPA and States representatives that if the waste remains in place, post-closure care must continue to be implemented. Among those States that have extended the post-closure care beyond 30-years were Wisconsin (which is one of Region 5 States) and Florida. In response to this reviewer's inquiry about how these states implemented extending of post-closure care ta RCRA sites, the following responses were received both in February 2023 and also on April 23, 2023:

- Doug Coenen, P.E of Wisconsin Department of Natural Resources called initially to discuss on the phone. He indicated that WI Statute requires long-term care (a.k.a Post-Closure Care) to be implemented in perpetuity. He indicated that this is why they do not even need to address extending of post-closure crea as if the waste remains in place, post-closure care continues and there is not need to address post-closure care period. However, WI still uses rolling 30-years for financial assurance. He then sent me an email to quate the Statue of WI ( 289.41(1.m) (c).
- Merline Russell, P.G. of Florida Department of Environmental Protection has indicated they have extended post-closure care in a couple of ways. One is to simply add another 30-years to initial 30-years and requires 60 years of Post-Closure care. In another way, FL requires the facility to have "rolling" 30-years, which means it always have 30 years as required post-closure care period regardless of how many years of post-closure care the facility completed. This rolling 30-year is also reflected in the financial assurance requirements.

### **3.7 Climate Change Consideration for RCRA Permitting**

On June 5, 2024 the USEPA issued Guidance which requires the authorized states including Illinois to incorporate climate change considerations into RCRA permitting program.

The June 5, 2024, guidance requires that, "RCRA permits will include the conditions that the permitting Authority determines are necessary to ensure that the facility operation will be compliant and protective in the face of such impacts."

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Currently Hazardous waste remains at the Phase I Landfill, therefore, vulnerability screening and assessment for the any potential climate change impacts must be incorporated into the long-term care for the Phase I Landfill which will be included in modifications to the RCRA permit going forward.

In the event that the Phase I Landfill no longer has hazardous waste then the climate change considerations may be reevaluated.

Implementation of the climate change considerations is underway with RCRA permits currently being drafted by the Illinois EPA, not just the BFI Phase-I landfill.

#### **IV. CONCLUSIONS/RECOMMENDATIONS**

It is the recommendation of myself and Takako Halteman of the Illinois EPA Bureau of Land RCRA permit section that BFI Waste Systems of North America, LLC must submit a Class 2 permit modification in order to extend their post closure care period.

This decision has been made through extensive research of BFI's records submitted to the Illinois EPA along with USEPA guidance for extending post closure care.

In addition to the above review notes, the Illinois EPA's determination to require BFI to extend post-closure care for the Phase I Landfill is based on the following:

1. **Leachate:** The ongoing generation of leachate from the Phase 1 Landfill requires continued leachate collection and management under post-closure care in accordance with 35 Ill. Adm. Code 724.410(b)(2). According to BFI's annual hazardous waste reports from Year 2019 through Year 2023 (the most current available 5-year data), reported volumes of leachate generated from the Phase I Landfill ranged between 79,400 to 112,146 gallons per year (average of 97,229 gallons per year). The leachate generated was 100,000 gallons in 2023 and 290,000 gallons in 2003. There has been a large decline between 20210 and 2013, but it remains steady for the last 10 years.

According to the 2016 USEPA Guidance, monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (e.g., it can suggest a cover or liner failure when leachate is detected late in the post-closure care period). It is noted that post-closure care for the Phase I Landfill has already been extended once in 2014 under a Class 2 permit modification (Log No. B-142R-M-15).

2. **Nature of waste in the landfill:** The wastes contained in the Phase I Landfill are considered RCRA hazardous wastes although only 2% of the disposed wastes were hazardous materials. The hazardous materials include 96% heavy metal sludges; 4% spent solvent still bottoms, spent solvent sludges, petroleum refining residues, rodenticides glycol, polystyrene, and pthalic anhydride.

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Since hazardous wastes remain at the Phase I Landfill, and leachate and gas generation continues, the Phase I Landfill is subject to long-term risks and requires continued maintenance and management under post-closure care.

3. **Unit Type/Design:** The existing cover system for the Phase I Landfill is from top to bottom: 1) a 36-inch thick final cover protective layer to support vegetation (the top 6 inches (minimum) of which is topsoil), 2) a geotextile filter fabric, 3) a geonet drainage layer, 4) a 40-mil polyethylene geomembrane, and 5) a 24-inch compacted clay layer composed of materials for the old cover materials used for the historical landfill beneath the Phase I Landfill. The existing leachate collection system consists of 15 leachate extraction points on 250 to 300 foot centers. A viable cover is one of the most important mechanisms in preventing leachate generation and, ultimately, a release of contaminants to the environment and the maintenance and monitoring of the cover system must continue in order to maintain its integrity.
4. **Landfill Gas:** After nearly forty (40) years of post-closure care, landfill gas is also still being generated, and a landfill gas monitoring/management program must continue to be implemented for the Phase I Landfill. The integrity of the gas collection system must be maintained.
5. **Long Term Care:** The establishment and maintenance of physical and legal controls at the Phase I Landfill are necessary to prevent unacceptable exposure to the hazardous waste and hazardous constituents abandoned within the landfill. The Illinois EPA has determined that long-term monitoring including maintenance of the cover systems and groundwater monitoring systems, control of any liquids (leachate) in landfills, and restrictions of future land uses must be established and continue on hazardous waste landfills to minimize future exposures and potential hazardous waste release.
6. **Long Term Stewardship:** As stated above, maintenance and monitoring of the integrity and effectiveness of the cover system is essential to minimizing leachate generation and future potential of contaminant migration and addressing Long-Term Stewardship (LTS) as required in accordance with 35 Ill. Adm. Code 724.410(b)(1), Section 12(a), 21(n) and 39(g) of the Act and the 2016 USEPA Guidance.
7. **Climate Change Consideration:** Such LTS of the hazardous waste management unit mentioned in Item 6 above must also consider impacts from climate change. The USEPA 2023 Draft Guidance requires the authorized states to incorporate climate changes into RCRA permitting program. The draft guidance requires that permit conditions remain protective in the face of potential adverse climate change impact, and the standards and requirements to protect human health and the environment must be established in RCRA permits. As hazardous wastes remain at the Phase I Landfill, vulnerability screening and assessment for the any future climate changes must be incorporated in to the LTS for the Phase I Landfill.

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In accordance with 35 Ill. Adm. Code 724.218(d)(4), the Permittee must submit to the Illinois EPA, within sixty (60) days of the date of this letter, a Class 2 permit modification request to extend post-closure care for the Phase 1 Landfill, in accordance with 35 Ill. Adm. Code 703.282. In addition, the Class 2 permit modification request must include a revision(s) to the post-closure plan for the Phase I Landfill in to reflect the extension of post-closure care of the Phase I Landfill for at least 30 years.

If a Class 2 permit modification request is not timely received by the Illinois EPA, the Illinois EPA will initiate a Class 2 permit modification of the RCRA Post-Closure Permit pursuant to 35 Ill. Adm. Code 703.241, 703.270, 703.271, 703.282, and 703, Appendix A, E.2.

Additionally I have included the following Attachments as separate sections in the administrative record.

- Sections:
- Section #5 - Illinois EPA's Decisions Regarding Extending Post-Closure Care at other IL RCRA Facilities and Communications from Other States
  - Section #6 - USEPA Guideline for Evaluating Post-Closure Care Period, dated December 15, 2016
  - Section #6 – Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA), dated June 5, 2024
  - Section #7 - ASTSWMO Position Paper, dated July 20, 2022 "Post-Closure Care Beyond 30 Years at RCRA Subtitle C Facilities

**Halteman, Takako**

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**From:** Slayton, Victoria  
**Sent:** Monday, June 3, 2024 3:02 PM  
**To:** Halteman, Takako; Boring, Suzanne  
**Subject:** RE: BFI Davis Junction (1418210001) File Category 10 Annual Report

2022 – 101,300 Gallons  
2023 – 79,400 Gallons

Thank You,

Victoria Slayton *MPA*  
Deputy Section Manager  
Materials Management and Compliance  
Illinois EPA  
W: 217-524-2891

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Monday, June 3, 2024 2:56 PM  
**To:** Slayton, Victoria <Victoria.Slayton@Illinois.gov>; Boring, Suzanne <Suzanne.Boring@Illinois.gov>  
**Subject:** RE: BFI Davis Junction (1418210001) File Category 10 Annual Report

Thank you Victoria.  
Anyway that they showed this in gallons?

**From:** Slayton, Victoria <Victoria.Slayton@Illinois.gov>  
**Sent:** Monday, June 3, 2024 2:50 PM  
**To:** Halteman, Takako <Takako.Halteman@Illinois.gov>; Boring, Suzanne <Suzanne.Boring@Illinois.gov>  
**Subject:** RE: BFI Davis Junction (1418210001) File Category 10 Annual Report

I am showing the reports in RCRA.  
We do not keep the paper copies.

2022 – they generated 422.435363 tons of landfill leachate  
2023 – they generated 331.109258 tons of landfill leachate

Thank You,

Victoria Slayton *MPA*  
Deputy Section Manager  
Materials Management and Compliance  
Illinois EPA  
W: 217-524-2891

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Monday, June 3, 2024 2:38 PM  
**To:** Slayton, Victoria <Victoria.Slayton@Illinois.gov>; Boring, Suzanne <Suzanne.Boring@Illinois.gov>  
**Subject:** BFI Davis Junction (1418210001) File Category 10 Annual Report

Hello-

I am looking for 2022 and 2023 (if available) hazardous waste annual report(s) from this facility.

Any chance someone has a digital copy or actual copy of the annual report?

Would you be able to tell me who I should contact?

What I am looking for is the gallons of hazardous waste leachate generated from the HW landfill at the site.

Thank you!

Takako

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**Nutt, Jacob**

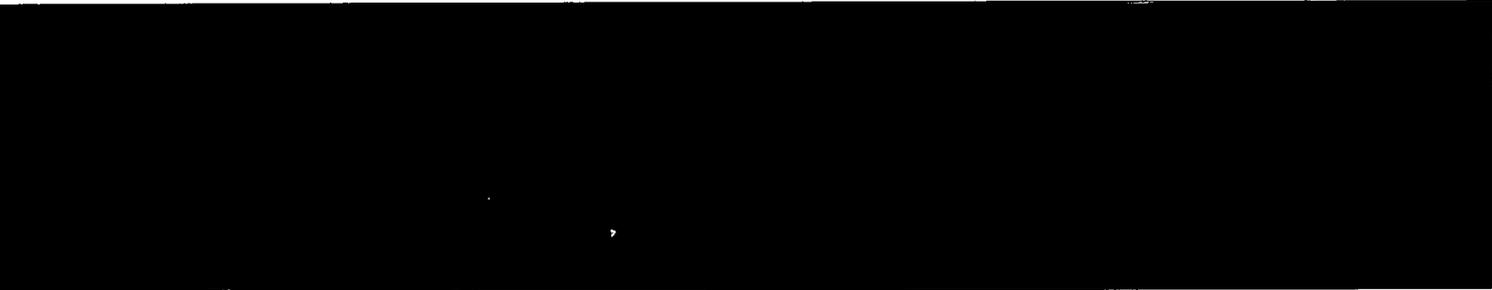
---

**From:** Nutt, Jacob  
**Sent:** Tuesday, April 16, 2024 7:31 AM  
**To:** Lesko, Kevin  
**Subject:** RE: Post Closure care extension

No worries at all! Thank you Kevin!

**From:** Lesko, Kevin <Kevin.Lesko@Illinois.gov>  
**Sent:** Monday, April 15, 2024 4:16 PM  
**To:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Subject:** RE: Post Closure care extension

Sorry I was going to talk to you Friday, but you weren't in, and I forgot about it.



Kevin

**From:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Sent:** Monday, April 15, 2024 2:20 PM  
**To:** Lesko, Kevin <Kevin.Lesko@Illinois.gov>  
**Subject:** Post Closure care extension

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OCT 03 2024

REVIEWER: EMI

Kevin,

I was just discussing post closure care extensions with Takako and she asked that when you are able to send me any guidance for an extension letter that you cc her as well so she knows what version to use too.

Thank you!

**From:** Nutt, Jacob  
**Sent:** Thursday, April 11, 2024 11:48 AM  
**To:** Lesko, Kevin <Kevin.Lesko@Illinois.gov>  
**Subject:** Post Closure care extension

Kevin,

During the meeting I think I heard you mention a PCC extension letter for Laraway?

Do you happen to have a template or a working document for Laraway, might be able to utilize for how I'm going to be drafting a PCC extension letter for BFI?

R 000063

Thank you!

**Jacob D. Nutt**

**Environmental Protection Engineer, Bureau of Land  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
Springfield, IL 62794  
Phone: 217-524-7048  
[Jacob.nutt@illinois.gov](mailto:Jacob.nutt@illinois.gov)**

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**Nutt, Jacob**

---

**From:** Halteman, Takako  
**Sent:** Tuesday, January 9, 2024 2:51 PM  
**To:** Nutt, Jacob  
**Subject:** RE: January 10, 2024 RCRA Financial Assurance Meeting

Thanks very much Jacob! Appreciate it the super quick response!

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Tuesday, January 9, 2024 2:48 PM  
**To:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Subject:** RE: January 10, 2024 RCRA Financial Assurance Meeting

Takako,

According to the Class 3 permit mod (M-5) BFI generates 112,146 gallons of leachate per year. Or on average, 28,037 gallons every 90 days.

Thank you!

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Tuesday, January 9, 2024 2:39 PM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Subject:** RE: January 10, 2024 RCRA Financial Assurance Meeting

Thanks! That would be helpful. I am sure it was in the Class 3 permit mod application, somewhere.

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Tuesday, January 9, 2024 2:38 PM  
**To:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Subject:** RE: January 10, 2024 RCRA Financial Assurance Meeting

I'm unsure on that but will find you the answer right now

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Tuesday, January 9, 2024 2:36 PM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Subject:** RE: January 10, 2024 RCRA Financial Assurance Meeting

Thank Jacob!

One question:

- How much leachate are they generating currently (in any volume and time units)?

Thanks!

Takako

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Tuesday, January 9, 2024 2:33 PM

To: Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>  
Subject: RE: January 10, 2024 RCRA Financial Assurance Meeting

Takako,

Attached are the review notes and work version of the final letter for BFI for M1, M2, M4, M6, and M7. Immediately after sending this email I'm going to get the BFI folder organized like we had previously discussed.

Thank you!

From: Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>  
Sent: Tuesday, January 9, 2024 2:22 PM  
To: Nutt, Jacob <[Jacob.Nutt@Illinois.gov](mailto:Jacob.Nutt@Illinois.gov)>  
Subject: FW: January 10, 2024 RCRA Financial Assurance Meeting

Hi Jacob-  
See below.

1. You do not need to attend this meeting, fyi.
2. I need your complete review notes and copy of the final letter. So can you please send the review notes and work version of the final letter please (so I can cut and paste to create my notes) , asap,
3. Your folder is not organized as requested earlier. So let's get them organized as soon as 2 is done please.

Thanks!  
Takako

From: Jennings, James M. <[James.M.Jennings@Illinois.gov](mailto:James.M.Jennings@Illinois.gov)>  
Sent: Tuesday, January 9, 2024 2:13 PM  
To: Cooperider, Jacki <[Jacki.Cooperider@Illinois.gov](mailto:Jacki.Cooperider@Illinois.gov)>; Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>  
Cc: Rominger, Kyle <[Kyle.Rominger@Illinois.gov](mailto:Kyle.Rominger@Illinois.gov)>  
Subject: FW: January 10, 2024 RCRA Financial Assurance Meeting

Re tomorrow's meeting.

From: Scott B. Sievers <[ssievers@bhsllaw.com](mailto:ssievers@bhsllaw.com)>  
Sent: Tuesday, January 9, 2024 1:35 PM  
To: Jennings, James M. <[James.M.Jennings@Illinois.gov](mailto:James.M.Jennings@Illinois.gov)>  
Cc: George, Judith <[JGeorge4@republicservices.com](mailto:JGeorge4@republicservices.com)>; Ballenger, Eric <[EBallenger@republicservices.com](mailto:EBallenger@republicservices.com)>; Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)>; Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>  
Subject: [External] January 10, 2024 RCRA Financial Assurance Meeting

Dear James:

At this meeting we would like to discuss Illinois EPA's construction and application of 35 Ill. Adm. Code 724.217. Specially, we would like to discuss the Agency's view on post-closure care and financial assurance.

As you might be aware, documents construed by Illinois EPA as Class 1\* Permit Modifications were submitted regarding BFI – Davis Junction Landfill (LPC # 1418210001), a RCRA facility. On September 25, 2023, the Agency partially approved the submittals subject to conditions and modifications. Those conditions and modifications included requiring that the total post-closure care estimate “must reflect thirty (30) years of post-closure care as required by 35 Ill. Adm. Code 724.217.” Illinois EPA then required BFI to submit a revised post-closure care estimate and financial assurance to reflect 30 years of post-closure care, again citing 35 Ill. Adm. Code 724.217.

Illinois EPA approved certification of closure of the Davis Junction Landfill on December 5, 1984. Thirty years beyond that would have been December 5, 2014, but I understand post-closure care was extended an additional 10 years, to December 5, 2024. Language in Illinois EPA's September 5, 2023, letter now provides for post-closure care "until at least" December 5, 2024. That language, coupled with the 30-years of post-closure care/financial assurance language in the previous paragraph, appears to suggest that Illinois EPA construes the regulations to provide for a rolling 30-year post-closure care period, including a rolling 30-year financial assurance obligation, and that differs from what my clients have understood Illinois EPA's position to have been in the past. We would like to discuss this matter to see if we might be misunderstanding Illinois EPA's position or, if not, then the construction of the regulations behind Illinois EPA's position.

In addition, and in light of the issues raised in the context of Illinois EPA's response to the Davis Junction Landfill proposed permit modifications, we also are concerned about the potential application of a rolling 30-year post-closure/financial assurance obligation to non-hazardous waste landfills. So we would like to discuss this as well.

Please let me know if there are any issues or concerns I or my clients might address at this meeting as well. Thanks, and I look forward to seeing you and your staff tomorrow morning.

Scott

Scott B. Sievers  
**Brown, Hay & Stephens, LLP**  
205 S. Fifth Street, P.O. Box 2459, Springfield, IL 62705  
217.544.8491 (o) | 217.544.9609 (f)  
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**Nutt, Jacob**

---

**From:** Stine, Paula  
**Sent:** Monday, October 2, 2023 12:53 PM  
**To:** Nutt, Jacob  
**Cc:** Rhoades, Joshua  
**Subject:** RE: BFI

I figured that is what they wanted to discuss. I don't need to be there. If they bring up the conditions I have in the letter please let them know I will call them as soon as I am able to answer their questions. And of course, please let me know that.

Thanks Jacob!

Paula

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Monday, October 2, 2023 12:49 PM  
**To:** Stine, Paula <Paula.Stine@Illinois.gov>  
**Cc:** Rhoades, Joshua <Joshua.Rhoades@Illinois.gov>  
**Subject:** RE: BFI

Still sorting out a time and date. I thought Takako wanted this afternoon but misunderstood and am trying to reschedule later this week.

As to topic, they want to discuss our interpretation of 35 Ill. Adm. Code 724.217 since the mod puts them back at 30 years of post-closure care.

**From:** Stine, Paula <Paula.Stine@Illinois.gov>  
**Sent:** Monday, October 2, 2023 12:47 PM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Cc:** Rhoades, Joshua <Joshua.Rhoades@Illinois.gov>  
**Subject:** RE: BFI

When are you thinking? I'm only in today and out the rest of the week. Did they mention what they wanted to discuss?

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Monday, October 2, 2023 12:26 PM  
**To:** Stine, Paula <Paula.Stine@Illinois.gov>  
**Cc:** Rhoades, Joshua <Joshua.Rhoades@Illinois.gov>  
**Subject:** FW: BFI

Paula and Josh,

Would either of you be interested in joining a call with BFI to discuss the Class 1\* mods which were issued? Still figuring out what time.

Thank you!

---

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Monday, October 2, 2023 12:19 PM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Subject:** BFI

I thought we will talk about this first. We need to discuss this a little and I have a meeting until 2:30.

Can you please reschedule for tomorrow afternoon?

Also, ask Jacki if she wants to be in the meeting – she is not required to be in this but she can attend if she is willing to. Ask GWU if they wan to join the meeting.

Thanks,

Takako

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**Nutt, Jacob**

---

**From:** Nutt, Jacob  
**Sent:** Monday, October 2, 2023 9:40 AM  
**To:** Halteman, Takako; Cooperider, Jacki  
**Subject:** FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

I got some additional information in regard to the call request from BFI.

**From:** Maxwell, Mike <mmaxwell@wcgrp.com>  
**Sent:** Monday, October 2, 2023 9:38 AM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Cc:** Hitzeroth, James <JHitzeroth@republicservices.com>  
**Subject:** [External] RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Jacob,

Would just be myself and Jim on the call – no attorney.

We wanted to gather more information on the basis for the Agency now requiring 30 years of post-closure care from today (and seemingly on a perpetual basis). This is stated in the Sept 25 letter from the Agency as required by 35 Ill. Adm. Code 724.217. The language in this regulation includes the phrase “30 years after that date” and this same language is included in multiple different locations in the permit issued by the Agency last week. We would like to focus on interpretation of this language, in particular.

Thanks.

Mike

**Mike Maxwell, LPG, CHMM**

Environmental Practice Group, Chicago Operations Manager

**W** Weaver Consultants Group

35 E. Wacker Drive | Suite 1250

Chicago, IL 60601

O: 312-922-1030 | D: 312-496-3718 | F: 312-922-0201 | M: 312-617-5858

[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com) | [www.wcgrp.com](http://www.wcgrp.com) 

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**From:** Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)>  
**Sent:** Monday, October 2, 2023 8:45 AM  
**To:** Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>  
**Cc:** Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)>  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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Mike,

I was discussing the call request with my manager this morning and I was asked to get some clarification before the call.

What specifically is being questioned about the Illinois EPA's interpretation of 35 Ill. Adm. Code 724.217?  
What are the concerns and what part(s) of regulation and our decisions do you want to discuss?  
Does BFI intend to have an attorney on the call?

My manager may need to have me reschedule the call based on her already having a call scheduled in the same timeframe.

Thank you!

**From:** Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>  
**Sent:** Friday, September 29, 2023 9:14 AM  
**To:** Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)>  
**Cc:** Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)>  
**Subject:** [External] FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Jacob,

We are in receipt of this letter conditionally approving various prior Class 1\* permit modifications submitted from 2018-2022. We would like to discuss the Agency's current interpretation of 35 Ill. Adm. Code 724.217 as described in this letter. Could you please let us know some possible times next week for a call to discuss this topic? We will then get back to you to schedule a Teams call.

Thank you.

**Mike Maxwell, LPG, CHMM**  
Environmental Practice Group, Chicago Operations Manager

**W** Weaver Consultants Group

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Chicago, IL 60601

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-----Original Message-----

From: Marr, Linda <[Linda.Marr@Illinois.gov](mailto:Linda.Marr@Illinois.gov)>

Sent: Monday, September 25, 2023 12:45 PM

To: Gibbons, Joyce <[Joyce.Gibbons@Illinois.gov](mailto:Joyce.Gibbons@Illinois.gov)>; Rhoades, Joshua <[Joshua.Rhoades@Illinois.gov](mailto:Joshua.Rhoades@Illinois.gov)>; Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>; Britton, Daniel <[Daniel.Britton@Illinois.gov](mailto:Daniel.Britton@Illinois.gov)>; Nutt, Jacob <[Jacob.Nutt@Illinois.gov](mailto:Jacob.Nutt@Illinois.gov)>; Stine, Paula <[Paula.Stine@Illinois.gov](mailto:Paula.Stine@Illinois.gov)>

Cc: Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>; [jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com); [mhealy@republicservices.com](mailto:mhealy@republicservices.com); Bossert, John <[jbossert@wcgrp.com](mailto:jbossert@wcgrp.com)>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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From: [P532HQH274182@Illinois.gov](mailto:P532HQH274182@Illinois.gov) <[P532HQH274182@Illinois.gov](mailto:P532HQH274182@Illinois.gov)>

Sent: Monday, September 25, 2023 8:44 AM

To: Marr, Linda <[Linda.Marr@Illinois.gov](mailto:Linda.Marr@Illinois.gov)>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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**Nutt, Jacob**

---

**From:** Hitzeroth, James <JHitzeroth@republicservices.com>  
**Sent:** Monday, October 2, 2023 11:51 AM  
**To:** Maxwell, Mike; Nutt, Jacob  
**Subject:** [External] RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Mike, can you adjust the Teams meeting invitation to reflect 2:30?

**Jim Hitzeroth**  
Environmental Manager

26W580 Schick Rd.  
Hanover Park, IL 60133  
e jhitzeroth@republicservices.com  
o 224.970.1129  
c 630.918.2598  
w RepublicServices.com



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**From:** Maxwell, Mike <mmaxwell@wcgrp.com>  
**Sent:** Monday, October 2, 2023 11:36 AM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Cc:** Hitzeroth, James <JHitzeroth@republicservices.com>  
**Subject:** Re: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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2:30 today would work for me. James, does that work for you?

**Mike Maxwell, LPG, CHMM**  
Environmental Practice Group, Chicago Operations Manager

**W Weaver Consultants Group**

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Chicago, IL 60601  
O: 312-922-1030 | D: 312-496-3718 | F: 312-922-0201 | M: 312-617-5858  
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On Oct 2, 2023, at 11:24 AM, Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)> wrote:

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My lead worker and manager are both on separate calls until 2:30 today. To you mind if we reschedule the call to 2:30 so that they can join after their calls?

From: Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>  
Sent: Monday, October 2, 2023 9:38 AM  
To: Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)>  
Cc: Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)>  
Subject: [External] RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Jacob,

Would just be myself and Jim on the call – no attorney.

We wanted to gather more information on the basis for the Agency now requiring 30 years of post-closure care from today (and seemingly on a perpetual basis). This is stated in the Sept 25 letter from the Agency as required by 35 Ill. Adm. Code 724.217. The language in this regulation includes the phrase “30 years after that date” and this same language is included in multiple different locations in the permit issued by the Agency last week. We would like to focus on interpretation of this language, in particular.

Thanks.

Mike

Mike

Maxwell, LPG, CHMM  
Environmental Practice Group, Chicago Operations Manager  
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F: 312-922-0201<fax:312-922-0201>

M: 312-617-5858<tel:312-617-5858>

[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)<mailto:mmaxwell@wcgrp.com>

[www.wcgrp.com](https://secure-web.cisco.com/1EdEqMH4bYFrg6I3Pxcog032RRRSxE9N6kuD3qQONi-nogF64CkO9ZSA1jzgtldLOzBHUw2q tofx4qay-vE-DW0zazmJxjEPb5azLMWaQ4eW7eZdj8uNfyq OikTPBnvW1jmPF-ZzjFepiBqtR7gR6jBOKX2XuG ExZkP1ngBMPIa6ZjXFzTcD0T1WC64DJq9bgp sR1lc9NMS6FXT6vkwYp4nidjEggc3yZZ0wRqS NxM5edAjrql5PrtdtpzneNSntNYs3ZPxsNFZY3ND8WAb4iv4jGqK5tR2X1jmPc9zwni 9EbFOdKbGNB1EppyyPieQn2QPE-Yp1toMbOGP69CWaxfCVIGMPXNGTp9alQGiaswt5Xl8xQRS3HKE36jT-lqi0A wySrGISSBx G 6D1ifz2zQ3MpGo2573795X2i8/https%3A%2F%2Fwcgrp.com%2F)<<https://secure-web.cisco.com/1EdEqMH4bYFrg6I3Pxcog032RRRSxE9N6kuD3qQONi-nogF64CkO9ZSA1jzgtldLOzBHUw2q tofx4qay-vE-DW0zazmJxjEPb5azLMWaQ4eW7eZdj8uNfyq OikTPBnvW1jmPF-ZzjFepiBqtR7gR6jBOKX2XuG ExZkP1ngBMPIa6ZjXFzTcD0T1WC64DJq9bgp sR1lc9NMS6FXT6vkwYp4nidjEggc3yZZ0wRqS NxM5edAjrql5PrtdtpzneNSntNYs3ZPxsNFZY3ND8WAb4iv4jGqK5tR2X1jmPc9zwni 9EbFOdKbGNB1EppyyPieQn2QPE-Yp1toMbOGP69CWaxfCVIGMPXNGTp9alQGiaswt5Xl8xQRS3HKE36jT-lqi0A wySrGISSBx G 6D1ifz2zQ3MpGo2573795X2i8/https%3A%2F%2Fwcgrp.com%2F>>

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From: Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)<mailto:Jacob.Nutt@illinois.gov>>

Sent: Monday, October 2, 2023 8:45 AM

To: Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)<mailto:mmaxwell@wcgrp.com>>

Cc: Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)<mailto:JHitzeroth@republicservices.com>>

Subject: RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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Mike,

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To: Nutt, Jacob <Jacob.Nutt@illinois.gov<mailto:Jacob.Nutt@illinois.gov>>  
Cc: Hitzeroth, James <JHitzeroth@republicservices.com<mailto:JHitzeroth@republicservices.com>>  
Subject: [External] FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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Thank you.

Mike

Maxwell, LPG, CHMM  
Environmental Practice Group, Chicago Operations Manager  
<image001.png>  
Weaver Consultants Group  
35 E. Wacker Drive | Suite 1250  
Chicago

,  
IL

60601  
O: 312-922-1030 | D: 312-496-3718<tel:312-922-1030%20%7C%20D:%20312-496-3718>  
|  
F: 312-922-0201<fax:312-922-0201>  
|  
M: 312-617-5858<tel:312-617-5858>  
mmaxwell@wcgrp.com<mailto:mmaxwell@wcgrp.com>

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-----Original Message-----

From: Marr, Linda <Linda.Marr@Illinois.gov<mailto:Linda.Marr@Illinois.gov>>

Sent: Monday, September 25, 2023 12:45 PM

To: Gibbons, Joyce <Joyce.Gibbons@Illinois.gov<mailto:Joyce.Gibbons@Illinois.gov>>; Rhoades, Joshua <Joshua.Rhoades@Illinois.gov<mailto:Joshua.Rhoades@Illinois.gov>>; Halteman, Takako <Takako.Halteman@Illinois.gov<mailto:Takako.Halteman@Illinois.gov>>; Britton, Daniel <Daniel.Britton@Illinois.gov<mailto:Daniel.Britton@Illinois.gov>>; Nutt, Jacob <Jacob.Nutt@Illinois.gov<mailto:Jacob.Nutt@Illinois.gov>>; Stine, Paula <Paula.Stine@Illinois.gov<mailto:Paula.Stine@Illinois.gov>>

Cc: Maxwell, Mike <mmaxwell@wcgrp.com<mailto:mmaxwell@wcgrp.com>>; Jhitzeroth@republicservices.com<mailto:jhitzeroth@republicservices.com>; mhealy@republicservices.com<mailto:mhealy@republicservices.com>; Bossert, John <jbossert@wcgrp.com<mailto:jbossert@wcgrp.com>>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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-----Original Message-----

From: P532HQH274182@illinois.gov<mailto:P532HQH274182@illinois.gov>  
<P532HQH274182@illinois.gov<mailto:P532HQH274182@illinois.gov>>

Sent: Monday, September 25, 2023 8:44 AM

To: Marr, Linda <Linda.Marr@Illinois.gov<mailto:Linda.Marr@Illinois.gov>>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

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**Nutt, Jacob**

---

**From:** Nutt, Jacob  
**Sent:** Monday, October 2, 2023 8:45 AM  
**To:** Maxwell, Mike  
**Cc:** Hitzeroth, James  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Mike,

I was discussing the call request with my manager this morning and I was asked to get some clarification before the call.

What specifically is being questioned about the Illinois EPA's interpretation of 35 Ill. Adm. Code 724.217?  
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Thank you!

**From:** Maxwell, Mike <mmaxwell@wcgrp.com>  
**Sent:** Friday, September 29, 2023 9:14 AM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Cc:** Hitzeroth, James <JHitzeroth@republicservices.com>  
**Subject:** [External] FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Jacob,

We are in receipt of this letter conditionally approving various prior Class 1\* permit modifications submitted from 2018-2022. We would like to discuss the Agency's current interpretation of 35 Ill. Adm. Code 724.217 as described in this letter. Could you please let us know some possible times next week for a call to discuss this topic? We will then get back to you to schedule a Teams call.

Thank you.

**Mike Maxwell, LPG, CHMM**

Environmental Practice Group, Chicago Operations Manager

**W** Weaver Consultants Group

35 E. Wacker Drive | Suite 1250

Chicago, IL 60601

O: 312-922-1030 | D: 312-496-3718 | F: 312-922-0201 | M: 312-617-5858

[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com) | [www.wcgrp.com](http://www.wcgrp.com) 



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-----Original Message-----

From: Marr, Linda <[Linda.Marr@Illinois.gov](mailto:Linda.Marr@Illinois.gov)>  
Sent: Monday, September 25, 2023 12:45 PM  
To: Gibbons, Joyce <[Joyce.Gibbons@Illinois.gov](mailto:Joyce.Gibbons@Illinois.gov)>; Rhoades, Joshua <[Joshua.Rhoades@Illinois.gov](mailto:Joshua.Rhoades@Illinois.gov)>; Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>; Britton, Daniel <[Daniel.Britton@Illinois.gov](mailto:Daniel.Britton@Illinois.gov)>; Nutt, Jacob <[Jacob.Nutt@Illinois.gov](mailto:Jacob.Nutt@Illinois.gov)>; Stine, Paula <[Paula.Stine@Illinois.gov](mailto:Paula.Stine@Illinois.gov)>  
Cc: Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>; [jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com); [mhealy@republicservices.com](mailto:mhealy@republicservices.com); Bossert, John <[jbossert@wcgrp.com](mailto:jbossert@wcgrp.com)>  
Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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Sent: Monday, September 25, 2023 8:44 AM  
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Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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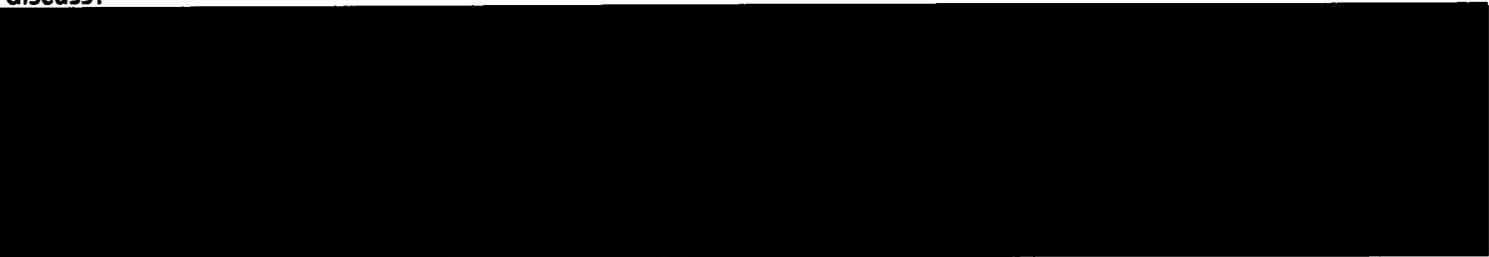
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**Nutt, Jacob**

**From:** Halteman, Takako  
**Sent:** Monday, October 2, 2023 8:34 AM  
**To:** Nutt, Jacob; Cooperider, Jacki  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Good morning Jacob-

Can you please ask them to provide a little more detail/clarification on what exact "interpretation of 35 IAC724.217" they are asking about? What are their concerns and what part(s) of regulation and our decisions do they want to discuss?



My calendar should be up to date. – I do have a couple of meeting until 2:30.

Thanks,  
Takako

**From:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Sent:** Monday, October 2, 2023 8:10 AM  
**To:** Halteman, Takako <Takako.Halteman@Illinois.gov>; Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Subject:** FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Takako and Jacki,

Would either of you be available to join me in a phone call with BFI this afternoon? (2:00) They had questions about the class 1\* permit that was issued.

Thank you!

**From:** Maxwell, Mike <mmaxwell@wcgrp.com>  
**Sent:** Friday, September 29, 2023 9:14 AM  
**To:** Nutt, Jacob <Jacob.Nutt@illinois.gov>  
**Cc:** Hitzeroth, James <JHitzeroth@republicservices.com>  
**Subject:** [External] FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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Environmental Practice Group, Chicago Operations Manager

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[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com) | [www.wcgrp.com](http://www.wcgrp.com) 



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Sent: Monday, September 25, 2023 12:45 PM

To: Gibbons, Joyce <[Joyce.Gibbons@Illinois.gov](mailto:Joyce.Gibbons@Illinois.gov)>; Rhoades, Joshua <[Joshua.Rhoades@Illinois.gov](mailto:Joshua.Rhoades@Illinois.gov)>; Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>; Britton, Daniel <[Daniel.Britton@Illinois.gov](mailto:Daniel.Britton@Illinois.gov)>; Nutt, Jacob <[Jacob.Nutt@Illinois.gov](mailto:Jacob.Nutt@Illinois.gov)>; Stine, Paula <[Paula.Stine@Illinois.gov](mailto:Paula.Stine@Illinois.gov)>

Cc: Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>; [jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com); [mhealy@republicservices.com](mailto:mhealy@republicservices.com); Bossert, John <[jbossert@wcgrp.com](mailto:jbossert@wcgrp.com)>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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**Nutt, Jacob**

---

**From:** Nutt, Jacob  
**Sent:** Monday, October 2, 2023 8:29 AM  
**To:** Cooperider, Jacki  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7  
**Attachments:** 1418210001-RCRA-B142R2M1-B142R2M2-B142R2M4-B142R2M6-B142R2M7-Approval.docx; B-142R2-M1,M-2,M-4,M-6,M-7.pdf

I have attached word and pdf versions.

Thank you!

**From:** Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Sent:** Monday, October 2, 2023 8:25 AM  
**To:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Would you please send me a copy of the permit we issued

**From:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Sent:** Monday, October 2, 2023 8:20 AM  
**To:** Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7



**From:** Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Sent:** Monday, October 2, 2023 8:15 AM  
**To:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Subject:** RE: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

What are their questions? Do they have an agenda?  
We have a 1pm call and as long as it is over, I can sit in on the call.

Jacki

**From:** Nutt, Jacob <Jacob.Nutt@Illinois.gov>  
**Sent:** Monday, October 2, 2023 8:10 AM  
**To:** Halteman, Takako <Takako.Halteman@Illinois.gov>; Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Subject:** FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Takako and Jacki,

EPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

OCT 03 2024

REVIEWER: EMI

Would either of you be available to join me in a phone call with BFI this afternoon (2:00) they had questions about the class 1\* permit that was issued.

Thank you!

**From:** Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>  
**Sent:** Friday, September 29, 2023 9:14 AM  
**To:** Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)>  
**Cc:** Hitzeroth, James <[JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com)>  
**Subject:** [External] FW: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Jacob,

We are in receipt of this letter conditionally approving various prior Class 1\* permit modifications submitted from 2018-2022. We would like to discuss the Agency's current interpretation of 35 Ill. Adm. Code 724.217 as described in this letter. Could you please let us know some possible times next week for a call to discuss this topic? We will then get back to you to schedule a Teams call.

Thank you.

**Mike Maxwell, LPG, CHMM**  
 Environmental Practice Group, Chicago Operations Manager

## ↳ Weaver Consultants Group

35 E. Wacker Drive | Suite 1250  
 Chicago, IL 60601  
 O: 312-922-1030 | D: 312-496-3718 | F: 312-922-0201 | M: 312-617-5858  
[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com) | [www.wcgrp.com](http://www.wcgrp.com) 



SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE

-----Original Message-----

**From:** Marr, Linda <[Linda.Marr@Illinois.gov](mailto:Linda.Marr@Illinois.gov)>  
**Sent:** Monday, September 25, 2023 12:45 PM  
**To:** Gibbons, Joyce <[Joyce.Gibbons@Illinois.gov](mailto:Joyce.Gibbons@Illinois.gov)>; Rhoades, Joshua <[Joshua.Rhoades@Illinois.gov](mailto:Joshua.Rhoades@Illinois.gov)>; Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>; Britton, Daniel <[Daniel.Britton@Illinois.gov](mailto:Daniel.Britton@Illinois.gov)>; Nutt, Jacob <[Jacob.Nutt@illinois.gov](mailto:Jacob.Nutt@illinois.gov)>; Stine, Paula <[Paula.Stine@Illinois.gov](mailto:Paula.Stine@Illinois.gov)>  
**Cc:** Maxwell, Mike <[mmaxwell@wcgrp.com](mailto:mmaxwell@wcgrp.com)>; [jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com); [mhealy@republicservices.com](mailto:mhealy@republicservices.com); Bossert, John <[jbossert@wcgrp.com](mailto:jbossert@wcgrp.com)>  
**Subject:** BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

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-----Original Message-----

From: [P532HQH274182@illinois.gov](mailto:P532HQH274182@illinois.gov) <[P532HQH274182@illinois.gov](mailto:P532HQH274182@illinois.gov)>

Sent: Monday, September 25, 2023 8:44 AM

To: Marr, Linda <[Linda.Marr@Illinois.gov](mailto:Linda.Marr@Illinois.gov)>

Subject: BFI Davis Junction; Log #B-142R2-M-1, M-2, M-4, M-6, and M-7

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: Bureau of Land Permits Multifunction Printer Name: P532HQH274182

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**Halteman, Takako**

---

**From:** Coenen, Douglas W - DNR <Douglas.Coenen@wisconsin.gov>  
**Sent:** Tuesday, April 25, 2023 11:59 AM  
**To:** Halteman, Takako  
**Subject:** [External] RE: Sample Conditions to extend PCC at a HW landfill after 30-yers of Post Closure Care

Nice to chat with you! Here is the statutory citation you requested regarding Wisconsin's perpetual PCC authority. (Note that in Wisconsin, we call post-closure care "long-term care". )

289.41(1m)(c) Long-term care responsibility for approved facilities. Notwithstanding s. 144.441 (2) (c) 1., 1989 stats., the owner's responsibility for the long-term care of an approved facility does not terminate, except that if another person acquires the rights of ownership and is issued under s. 289.46 (1) a new operating license for the approved facility, the owner's responsibility is transferred to that other person upon the issuance of the new operating license.

Doug

**Doug Coenen, P.E.**  
Hazardous Waste Engineer  
Cell: 608-843-2160  
douglas.coenen@wisconsin.gov  
**We are committed to service excellence.**  
Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Tuesday, April 25, 2023 11:23 AM  
**To:** Coenen, Douglas W - DNR <Douglas.Coenen@wisconsin.gov>  
**Subject:** Sample Conditions to extend PCC at a HW landfill after 30-yers of Post Closure Care

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Hi Doug-  
Hope this find you well.

If I remember correctly, WI is one of the few States that require continuation of PCC if the waste remains in place. Do you have an example or a template language your state has to the permittees to extend PCC after the initial 30-year of PCC that you may be able to share with us? We have a bunch of the sites coming up for the 30-yr marks and it is necessary to modify the language to reflect on the fact that 30-yers of PCC must be extended. I appreciate anything you can provide.

Thanks!  
Takako

Takako Halteman, P.E.  
Lead Worker, RCRA Unit

Bureau of Land, Permit Section

217/524-3274

[takako.haltman@illinois.gov](mailto:takako.haltman@illinois.gov)



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**Halteman, Takako**

---

**From:** Russell, Merlin <Merlin.Russell@FloridaDEP.gov>  
**Sent:** Tuesday, April 25, 2023 11:56 AM  
**To:** Halteman, Takako  
**Cc:** Smith, Michell M.  
**Subject:** [External] RE: Sample Conditions to extend PCC at a HW landfill after 30-yers of Post Closure Care  
**Attachments:** 200203 FTCl FINAL extension of postclosure care period.Receipt.pdf

Takako,

Greetings from the sunny South.

We've extended PCC a couple ways. Attached is an example where we simply added another 30 years.

In other permits, we have used a rolling 30-year PCC period:

"a. The Permittee shall begin postclosure for a rolling 30-year period after acceptance of the certification of closure in accordance with 40 CFR §264.117(a) and in accordance with the Postclosure Plan, in the application. Postclosure for the former Polishing Pond began October 5, 1997."

If you'd like to discuss or have questions, feel free to call.

merlin

**Merlin D. Russell Jr., PG III**  
**Florida Department of Environmental Protection**  
**Division of Waste Management**  
**Hazardous Waste Permitting and Programs**  
**850-245-8796**  
**Monday-Thursday 7:00 a.m.-4:30 pm, Fridays, 7:00 a.m.-11:00 am**

**From:** Halteman, Takako <Takako.Halteman@Illinois.gov>  
**Sent:** Tuesday, April 25, 2023 12:24 PM  
**To:** Russell, Merlin <Merlin.Russell@FloridaDEP.gov>  
**Subject:** Sample Conditions to extend PCC at a HW landfill after 30-yers of Post Closure Care

**EXTERNAL MESSAGE**

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Hi Merlin-  
Hope this find you well.

If I remember correctly, FL is one of the States that require continuation of PCC if the waste remains in place. Do you have an example or a template language your state has to the permittees to extend PCC after the initial 30-year of PCC that you may be able to share with us? We have a bunch of the sites coming up for the 30-yr marks and it is necessary to modify the language to reflect on the fact that 30-yers of PCC must be extended. I appreciate anything you can provide.

Thanks!  
Takako

Takako Halteman, P.E.  
Lead Worker, RCRA Unit  
Bureau of Land, Permit Section  
217/524-3274  
[takako.halteman@illinois.gov](mailto:takako.halteman@illinois.gov)



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# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

February 3, 2020

Mr. Kenneth Brown  
Manager of Environmental and Chemical Compliance  
Illinois Tool Works Inc.  
155 Harlem Avenue  
Glenview, IL 60025  
[KBrown@ITW.com](mailto:KBrown@ITW.com)

RE: Florida Tile Closed Impoundment; FLR000104695  
Postclosure Permit 225891/HF/005  
Polk County - Hazardous Waste

Dear Mr. Brown:

Pursuant to Section 403.722(13), Florida Statutes (F.S.), and Rule 62-730.300(2), Florida Administrative Code (F.A.C.), the Department modifies the following conditions of the Permit:

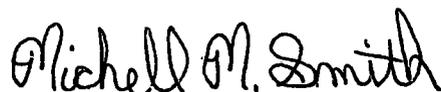
Specific Condition	From	To
Part III Subpart A.1.a	The Permittee shall begin postclosure care and continue for 30 years after February 5, 1990 in accordance with 40 CFR 264.117(a) and in accordance with the Postclosure Plan, Section II-K-2, included in the application dated January 16, 2004.	The Permittee shall begin postclosure care and continue for 60 years after February 5, 1990 in accordance with 40 CFR 264.117(a) and in accordance with the Postclosure Plan, Section II-K-2, included in the application dated January 16, 2004.

Mr. Kenneth Brown  
February 3, 2020  
Page 2 of 3

This permit modification becomes effective immediately. All other conditions of the permit remain unchanged. This letter must be attached to the existing permit, and becomes part of that permit. As Permittee, you have appellate rights as set forth in the enclosed Notice of Rights.

If you have any questions, please contact Merlin D. Russell Jr. at 850-245-8796 or [merlin.russell@floridadep.gov](mailto:merlin.russell@floridadep.gov).

Sincerely,



Michell M. Smith, Administrator  
Hazardous Waste Program & Permitting  
MS/mdr

Enclosure

cc (with enclosure):

Brian Bastek, EPA Region 4, [bastek.brian@epa.gov](mailto:bastek.brian@epa.gov)

Kris Crockett, Golder Associates, [Kris\\_Crockett@golder.com](mailto:Kris_Crockett@golder.com)

Carl Eldred, Esquire/HGS Law, [CarlE@hgslaw.com](mailto:CarlE@hgslaw.com)

Shannon Kennedy, FDEP Southwest District Office, [shannon.kennedy@floridadep.gov](mailto:shannon.kennedy@floridadep.gov)

Carlos Merizalde, EPA Region 4, [merizalde.carlos@epa.gov](mailto:merizalde.carlos@epa.gov)

Leslie Pedigo, FDEP Southwest District Office, [Leslie.Pedigo@floridadep.gov](mailto:Leslie.Pedigo@floridadep.gov)

Mr. Kenneth Brown  
February 3, 2020  
Page 3 of 3

**Enclosure**

**NOTICE OF RIGHTS**

1. If you dispute any issue of material fact raised by this permit modification, you have the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes (F.S.). At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing office's recommended order.
2. If you do not dispute any issue of material fact raised by this permit modification, you have the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S. If an informal proceeding is held, you will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's Order, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.
3. If you desire a formal hearing or an informal proceeding, you must file a written "Petition for Administrative Proceeding" within 21 days of receipt of this Order. The petition must be in the form required by Rule 28-106.201(2) Florida Administrative Code (F.A.C.) A petition is "filed" when it is received by the Department's Agency Clerk, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.
4. You will waive the right to a formal hearing or an informal proceeding if a Petition is not filed with the Department within 21 days of the date you receive this permit modification. If you file a written request for extension of time within the time limit and show good cause for an extension, the Department may extend the time by issuing another written order.
5. Mediation is not available in the context of this Order.
6. A party who is adversely affected by this Order when it becomes Final is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed. The Order is rendered on the date it becomes Final. The Order becomes Final on the letterhead date, unless a Petition for formal hearing or informal proceeding is filed as outlined in this notice.

**From:** Russell, Merlin <Merlin.Russell@FloridaDEP.gov>  
**Sent:** Friday, February 24, 2023 6:23 AM  
**To:** Watson, Rob <Rob.Watson@Illinois.gov>  
**Subject:** [External] RE: Financial Assurance requirements for RCRA Post-Closure permits

Good Morning Rob,

I sent your request on to our administrator and financial assurance guru for the big picture so I can only speak for facilities that I've worked on.

The closed-with-waste-in-place units I have continue to maintain 30 years of financial assurance.

I have one facility where the waste had been removed decades ago and they were in PC only because there was some remaining soil contamination and some groundwater remediation occurred. The soil contamination was covered by a building so that is being closed using ICs and ECs. On the GW side, they convinced us that 5 years (pretty sure it was 5) of FA was acceptable because the GW was close to meeting MCLs. The plume was shrinking. At this point, they are in the process of closing out. We expect to be terminating the permit this calendar year.

merlin

Merlin D. Russell Jr., PG III  
Florida Department of Environmental Protection  
Division of Waste Management  
Hazardous Waste Permitting and Programs  
850-245-8796  
Monday-Thursday 7:00 a.m.-4:30 pm, Fridays, 7:00 a.m.-11:00 am

**From:** Watson, Rob <Rob.Watson@Illinois.gov>  
**Sent:** Thursday, February 23, 2023 3:47 PM  
**To:** Ashby Scott <ashby.scott@deq.virginia.gov>; Russell, Merlin <Merlin.Russell@FloridaDEP.gov>; Don Stilz (DSTILZ@idem.IN.gov) <dstilz@idem.IN.gov>; Murrow, Patricia <Murrow.Patricia@epa.gov>; Walker, Ed@DTSC <ed.walker@dtsc.ca.gov>; Hunt, Jillian <Jillian.Hunt@dnr.mo.gov>; andrea keller <Andrea.Keller@wisconsin.gov>; Chikkala, John (MPCA) <john.chikkala@state.mn.us>  
**Cc:** Halteman, Takako <Takako.Halteman@Illinois.gov>; Cooperider, Jacki <Jacki.Cooperider@Illinois.gov>  
**Subject:** Financial Assurance requirements for RCRA Post-Closure permits

**EXTERNAL MESSAGE**

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Illinois EPA is in the process of reviewing the renewal applications for a large number of RCRA post-closure permits over the next several years. We are considering revising how we address the financial assurance requirements for post-closure at these facilities and would like to know how other States (& Region 7) address them.

In the past, we have allowed facilities to pro-rate financial assurance (FA) to reflect the number of years they have been in post-closure (e.g. if they have completed 10 years of post-closure care, they would only need to provide FA for 20 years, etc.). As sites are now approaching 30 years of post-closure care, more recently we have required they maintain a minimum of 10 years of FA (e.g. the length of a RCRA permit). However, we are rethinking this approach and are considering requiring these facilities to provide 30 years of FA as this appears to be more consistent with the regulations.

So, I'd like to ask how your State requires facilities in post-closure to address the financial assurance requirements for the following two scenarios:

1. For a facility that is in post-closure, does your State require they maintain 30 years of financial assurance or something less than 30 years? If less than 30 years, do you have a minimum?
2. For a facility that has completed 30 years of post-closure care, but has extended post-closure care due to groundwater contamination, or still pumping leachate, does your State require they maintain 30 years of financial assurance or something else?

Thanks in advance for your help on this. Please feel free to contact me with any questions regarding the above.

**Rob Watson, P.E.**  
**RCRA Unit Manager**  
**Bureau of Land / Permit Section**  
**217-524-3265**  
**[Rob.Watson@Illinois.gov](mailto:Rob.Watson@Illinois.gov)**



***P Please consider the environment before printing this e-mail***

**From:** Coenen, Douglas W - DNR <Douglas.Coenen@wisconsin.gov>  
**Sent:** Thursday, February 23, 2023 4:20 PM  
**To:** Watson, Rob <Rob.Watson@Illinois.gov>  
**Cc:** Keller, Andrea L - DNR <Andrea.Keller@wisconsin.gov>  
**Subject:** [External] RE: Financial Assurance requirements for RCRA Post-Closure permits

Hi, Rob. Andrea asked me to get back to you on this. Here is a nutshell response with my thoughts. It's not "official" so I haven't cc'd the others on your distribution list.

Note that most of our facilities with post-closure care (PCC) obligations also have corrective action (CA) obligations. Regarding PCC, Wisconsin Statutes now require that responsibility for post-closure care (PCC; we call it "long-term care" in WI) is perpetual, and requires financial assurance for at least 40 years after closure. Regarding CA, the Wisconsin Statutes that require financial assurance (FA) for CA are fairly broad, and do not explicitly limit the timeframe covered by financial assurance.

Using these authorities, for facilities now approaching the end of the original 30-year PCC period, we are requiring (typically through PCC permit conditions) that facilities maintain financial assurance for PCC and CA for a "rolling 30-year window" until a shorter period is approved. In this way, FA remains in place for at least 30 years until the permittee obtains approval, via a permit modification, of a demonstration that less than 30 years is adequate.

In case you are interested, I've included below some of the key statutes:

For CA:

291.37(2)(a) If the department determines that a release from a solid waste management unit has occurred the department may, except as provided under par. (b), require the owner or operator of the facility containing the solid waste management unit to take corrective action, including corrective action beyond the facility, if necessary. The department may require an owner or operator to take corrective action regardless of when the hazardous waste or hazardous constituent released was placed in the solid waste management unit. The department may require corrective action by means of a special order under this paragraph or as a condition of licensing or plan approval under s. 291.25 or 291.29. An order or condition under this paragraph shall state, with reasonable specificity, the nature of the corrective action required, shall include a description of the property on which the corrective action is to be taken and shall specify a period for achieving compliance and a period for the owner or operator to establish proof of financial responsibility for the cost of corrective action.

289.41(2)(c) Hazardous waste disposal, storage and treatment facilities. If corrective action is required under s. 291.37, the owner or operator of the hazardous waste facility to which the requirement applies shall maintain proof of financial responsibility ensuring the availability of funds for compliance with the corrective action requirement.

For PCC:

289.41(1m)(c) Long-term care responsibility for approved facilities. Notwithstanding s. 144.441 (2) (c) 1., 1989 stats., the owner's responsibility for the long-term care of an approved facility does not terminate, except that if another person acquires the rights of ownership and is issued under s. 289.46 (1) a new operating license for the approved facility, the owner's responsibility is transferred to that other person upon the issuance of the new operating license.

289.41(1m)(b)1. Except as provided in subd. 2. or 2m., the owner of an approved facility shall maintain proof of financial responsibility as provided in this section during the

operation of the approved facility and for 40 years after the closing of the approved facility unless the obligation is extended under par. (f).

I hope this helps. Feel free to holler if you have questions or would like to discuss.

Doug

**Doug Coenen, P.E.**

Hazardous Waste Engineer

Cell: 608-843-2160

[douglas.coenen@wisconsin.gov](mailto:douglas.coenen@wisconsin.gov)

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**From:** Keller, Andrea L - DNR <[Andrea.Keller@wisconsin.gov](mailto:Andrea.Keller@wisconsin.gov)>

**Sent:** Thursday, February 23, 2023 3:03 PM

**To:** Coenen, Douglas W - DNR <[Douglas.Coenen@wisconsin.gov](mailto:Douglas.Coenen@wisconsin.gov)>

**Subject:** FW: Financial Assurance requirements for RCRA Post-Closure permits

**From:** Watson, Rob <[Rob.Watson@Illinois.gov](mailto:Rob.Watson@Illinois.gov)>

**Sent:** Thursday, February 23, 2023 2:47 PM

**To:** Ashby Scott <[ashby.scott@deq.virginia.gov](mailto:ashby.scott@deq.virginia.gov)>; Russell, Merlin

<[Merlin.Russell@FloridaDEP.gov](mailto:Merlin.Russell@FloridaDEP.gov)>; Don Stilz ([DSTILZ@idem.IN.gov](mailto:DSTILZ@idem.IN.gov)) <[dstilz@idem.IN.gov](mailto:dstilz@idem.IN.gov)>;

Murrow, Patricia <[Murrow.Patricia@epa.gov](mailto:Murrow.Patricia@epa.gov)>; Walker, Ed@DTSC <[ed.walker@dtsc.ca.gov](mailto:ed.walker@dtsc.ca.gov)>;

Hunt, Jillian <[Jillian.Hunt@dnr.mo.gov](mailto:Jillian.Hunt@dnr.mo.gov)>; Keller, Andrea L - DNR

<[Andrea.Keller@wisconsin.gov](mailto:Andrea.Keller@wisconsin.gov)>; Chikkala, John (MPCA) <[john.chikkala@state.mn.us](mailto:john.chikkala@state.mn.us)>

**Cc:** Halteman, Takako <[Takako.Halteman@Illinois.gov](mailto:Takako.Halteman@Illinois.gov)>; Cooperider, Jacki

<[Jacki.Cooperider@Illinois.gov](mailto:Jacki.Cooperider@Illinois.gov)>

**Subject:** Financial Assurance requirements for RCRA Post-Closure permits

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All,

Illinois EPA is in the process of reviewing the renewal applications for a large number of RCRA post-closure permits over the next several years. We are considering revising how we address the financial assurance requirements for post-closure at these facilities and would like to know how other States (& Region 7) address them.

In the past, we have allowed facilities to pro-rate financial assurance (FA) to reflect the number of years they have been in post-closure (e.g. if they have completed 10 years of post-closure care, they would only need to provide FA for 20 years, etc.). As sites are now approaching 30 years of post-closure care, more recently we have required they maintain a minimum of 10 years of FA (e.g. the length of a RCRA permit). However, we are rethinking this approach and are considering requiring these facilities to provide 30 years of FA as this appears to be more consistent with the regulations.

SITE: 1418210001  
PRCG: LPARM035  
LIST: LPARP035

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BUREAU OF LAND  
2002 ANNUAL REPORT  
COMPREHENSIVE REPORT

PAGE: 1  
TIME: 07:45:24  
DATE: 11/01/05

<-----SECTION 1 HAZARDOUS WASTE ACTIVITIES----->

USEPA-ID	PAGE	FORM	IEPA-ID	GENERATOR	NOT LOG	IMPORTER	MIXED	HAULER	TSD	RECYCLER	BURNER	FURNACE	INJECTION
NBR	CODE		STATUS	NEXT YR	HAZARD	WASTE	HAZARD	HAZ	HAZARD	EXEMPT	EXEMPT	CONTROL	
ILD980700751	03001	IC	1418210001		1								

<-----SECTION 2 UNIVERSAL WASTE ACTIVITIES-----> <-----SECTION 3 USED OIL ACTIVITIES----->

GEN	ACCUM	GEN	ACCUM	GEN	ACCUM	GEN	ACCUM	FACILITY	HAULER	FACILITY	PROCESSOR	REFINER	BURNER	OFF-SPEC	MARKETER	MARKETER

<-----SECTION 4-----> <-----SECTION 5 TYPES-----> SECTION 6

1ST	2ND	3RD	4TH	TYPE	TYPE	DATE	TYPE	DATE	COMMENT	ERROR	ENTER	PREVIOUS
562211				1	1	/ /	1	/ /	Y	FLAG	DATE	CHANGE DATE
												.030520

<-----SECTION 1 WASTE DESCRIPTION----->

USEPA-ID	PAGE	FORM	IEPA-ID	1ST	2ND	3RD	4TH	5TH	CODE	METHOD	FORM	MIXED	COMMENT	ERROR	ENTER	PREVIOUS
ILD980700751	00002	GM	1418210001	F039					G26	H141	W119	2	Y			030520

-----SECTION 2-----><-----SECTION 3-----><-----SECTION 4 OFF-SITE SHIPMENT----->

UOM	DENSITY	QUANTITY	TDR	METHOD	QUANTITY	SHIP	USEPA-ID	METHOD	QUANTITY	USEPA-ID	METHOD	QUANTITY
1	8.34	468,300.0	N		0.0	Y	SITE 1: ILD010284248	H081	468,300.0			0.0

GENERATOR	PAGE	FORM	GENERATOR	<-----TRANSPORTER USEPA-ID(S) AND PERMIT NUMBER(S)----->				ERROR	ENTER	PREVIOUS	
USEPA-ID	NBR	CODE	IEPA-ID	1ST & 5TH	2ND & 6TH	3RD & 7TH	4TH & 8TH	COMMENT	FLAG	DATE	CHANGE DATE
ILD980700751	03003	TI	1418210001	WI0000815381				N		030520	
				UPW0508337MN							

141 821 0001  
BFI, Davis Junction Landfill

8902 No. Illinois Route 251

Davis Junction, IL 61020

ILLINOIS Environmental Protection Agency  
2003 Hazardous Waste Report  
Form IC - Identification and Certification

INSTRUCTIONS FOR THIS FORM FOUND ON PAGES 12-15. THIS FORM MUST BE COMPLETED FOR THE LOCATION SHOWN ON THE ABOVE LABEL. IF YOU NEED ADDITIONAL FORMS FOR OTHER LOCATIONS, CALL IEPA.

Section 1. HAZARDOUS WASTE ACTIVITIES

- 31 1 RCRA Generator Status as of 3-1-2004
- 32 \_\_\_ Although site is no longer a LQG, it was an LQG during the calendar year of 2003.
- 1= LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste
- 2= SQG: 100 to 1,000 kg/mo (220-2220 lbs/mo) of non-acute hazardous waste
- 3= CESGG: Less than 100 kg/mo of non-acute hazardous waste
- 4= Nongenerator

Other Generator Activities: Enter Y (yes) or N (no)

- 33 \_\_\_ United States Importer of Hazardous Waste
- 34 \_\_\_ Mixed Waste (hazardous & radioactive) Generator

For Agency Use Only  
Accepted Date: \_\_\_\_\_ No. Recs. from 10/2003: \_\_\_\_\_

- All other hazardous waste activities: Enter Y or N
- 35 N Transporter of Hazardous Waste
  - 36 Y Treater, Storer, or Disposer of Hazardous Waste (at your site).  
Note: A hazardous waste permit is required for this activity.
  - 37 N Recycler of Hazardous Waste (at your site)  
Note: A hazardous waste permit may be required for this activity.
- Exempt Boiler and/or Industrial Furnace:
- 38 X Small Quantity On-Site Burner Exemption
  - 39 X Smelting, Melting, Refining Furnace Exemption
  - 40 N Underground Injection Control

Section 2. UNIVERSAL WASTE ACTIVITIES:

N (Y or N) Large Quantity Handler (5000 kg) of Universal Waste.

Check types of universal waste generated and/or accumulated at your site.

	Generated	Accumulated
Batteries	41 <input type="checkbox"/>	42 <input type="checkbox"/>
Pesticides	43 <input type="checkbox"/>	44 <input type="checkbox"/>
Thermostats	45 <input type="checkbox"/>	46 <input type="checkbox"/>
Fluorescent Bulbs	47 <input type="checkbox"/>	48 <input type="checkbox"/>

49 N (Y or N) Destination Facility for Universal Waste.  
Note: A hazardous waste permit may be required for this activity.

Section 3. USED OIL ACTIVITIES: Enter Y or N

- 50 N Used Oil Transporter
- 51 N Used Oil Transfer Facility
- 52 N Used Oil Processor
- 53 N Used Oil Re-refiner
- 54 N Off-Specification Used Oil Burner
- 55 N Marketer who Directs Shipment of Off-spec Used oil to Off-spec Used Oil Burner
- 56 N Marketer Who First Claims the Used Oil Meets the Specifications

RECEIVED  
MAR 01 2004  
IEPA/BOL

Section 4. ENTER THE NAICS CODE(S) FOR THIS LOCATION

57 5 6 2 2 1 1 63 \_\_\_\_\_ 69 \_\_\_\_\_ 75 \_\_\_\_\_

RECEIVED

Section 5. TYPES:

- Site Land Type (Enter code from list in instructions): 81 1
- Owner Type: (Enter code from list in instructions): 82 1
- Date current owner Became Owner (mm/dd/yyyy): 83 03 / 01 / 2004
- Operator Type: (Enter code from list in instructions): 91 1
- Date current owner Became Operator (mm/dd/yyyy): 92 03 / 01 / 2004

MAR 01 2004

IEPA/BOL

Section 6. Comments: 100 Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

COST ESTIMATES FOR TSD FACILITIES, Interim status and permitted

- A. Closure cost estimate: \$ \_\_\_\_\_
- B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 2, 938, 525. 25

Section 7. The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Finn First Name Kevin B. Title Regional Vice-President

C. Signature [Signature] D. Date of Signature 2/27/04

Name, Telephone number, and FAX number of person to contact if there are questions about this report  
James W. Hitzeroth, 630/894-9000

**FORM IC – IDENTIFICATION AND CERTIFICATION****Section 1, Line 36**

Phase I of the Davis Junction Landfill received a RCRA Part B Permit on July 21, 1995. A Class I permit modification was obtained on August 30, 1999 which allowed modification to the permeability of the clay component of the final cover system to reduce water infiltration and leachate generation. Post-closure care of the Phase I unit began on December 5, 1984 and continues until December 5, 2014.

**Section 6, Comments**

Quarterly groundwater monitoring is conducted at the site in accordance with the requirements of the modified RCRA Post-Closure Permit issued on January 28, 2004.

**Section 6, Line A**

Phase I has been closed so no closure estimate have been provided.

**Section 6, Line B**

Cost estimates for post-closure care were approved by the Illinois Environmental Protection Agency in the January 28, 2004 permit (Log No. B-142-M-9).

ILD 980 700 751 141 821 0001

BFI, Davis Junction Landfill  
8902 No. Illinois Route 251  
Davis Junction, IL 61020

ILLINOIS Environmental Protection Agency  
2003 Hazardous Waste Report  
Form GM - Generation and Management

Instructions for this form found on pages 16-21.

SECTION 1. WASTE DESCRIPTION

A. Waste Description: Leachate from closed RCRA Hazardous Waste Landfill Unit

B. EPA Hazardous Waste Code: F 0 3 9

C. Source Code: G 2.6 Management Method: H 1 4 1

D. Form code: W 1 1 9

SECTION 2. QUANTITY GENERATED

A. UOM: 1 Density: 0.834 lb/gal (Same unit and density must be used for all quantities on this page).

B. Quantity Generated in Current reporting year: 290000.0

SECTION 3. QUANTITY MANAGED ON-SITE:

Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.

N Y = Yes (continue to system 1) N = No (skip to section 4.)

On-Site System 1: Management Method H Quantity managed on-site this year: 83

On-Site System 2: Management Method H Quantity managed on-site this year: 97

SECTION 4. OFF-SITE SHIPMENT

A. Was any of this waste shipped off site this reporting year? Y = Yes (Continue to Site 1) N = No

SITE 1. Name and address of off-site facility: CID BIOLOGICAL LIQUID TREATMENT CENTER  
138th & Interstate 94, Calumet City, IL 60409

B. U.S. EPA ID No. of facility waste was shipped to: ILD 010284248

C. Management method shipped to: H 0 8 1

D. Total quantity shipped in this reporting year: 290000.0

SITE 2. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: 134

C. Management method shipped to: H

D. Total quantity shipped in this reporting year: 150

SITE 3. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: 180

C. Management method shipped to: H

D. Total quantity shipped in this reporting year: 178

SITE 4. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: 185

C. Management method shipped to: H

D. Total quantity shipped in this reporting year: 202

SITE 5. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: 212

C. Management method shipped to: H

D. Total quantity shipped in this reporting year: 223

COMMENTS: Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

**FORM GM – GENERATION AND MANAGEMENT****Section 1, Line D**

Waste generated from the Phase I unit is leachate. Of the approximately 1,900,000 cubic yards of waste placed in Phase I, less than 2% of the waste can be defined as hazardous under current federal criteria. Approximately 96% of the hazardous waste received was heavy metal sludges typically produced by Rockford area industry. The other 4% included spent solvent still bottoms/sludges, petroleum refining and minor amounts of other chemicals.

ILD 980 700 751 141 821 0001  
BFI, Davis Junction Landfill  
8902 No. Illinois Route 251  
Davis Junction, IL 61020

ILLINOIS Environmental Protection Agency  
2003 Hazardous Waste Report  
Form TI - Transporter Identification

Instructions for this form found on page 21. PLEASE NOTE that the four-digit hauling permit number is no longer valid for hazardous waste transporters, the transporter must have a Uniform Program Permit Number.

1. U.S. EPA ID No. W 1 0 0 0 0 8 1 5 3 8 1 Hauling Permit No. U P W 5 0 8 3 3 7 M N  
<sub>31</sub> <sub>127</sub>

Transporter Name, Address, and Telephone Number: Advanced Waste Carriers, Inc.  
1126 So. 70th Street, Suite N508B  
West Allis, WI 53214  
Phone: (800) 842-9792

2. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>43</sub> <sub>139</sub>

Transporter Name, Address, and Telephone Number:

3. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>66</sub> <sub>151</sub>

Transporter Name, Address, and Telephone Number:

4. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>67</sub> <sub>163</sub>

Transporter Name, Address, and Telephone Number:

5. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>79</sub> <sub>175</sub>

Transporter Name, Address, and Telephone Number:

6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>91</sub> <sub>187</sub>

Transporter Name, Address, and Telephone Number:

7. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>103</sub> <sub>199</sub>

Transporter Name, Address, and Telephone Number:

8. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>115</sub> <sub>211</sub>

Transporter Name, Address, and Telephone Number:

COMMENTS: 223 Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page 0 0 0 4  
<sub>223</sub> <sub>13</sub>

**WEAVER**  
**BOOS**  
**CONSULTANTS**  
**INC**  
**GEO-ENVIRONMENTAL ENGINEERS**  
**AND SCIENTISTS**

February 23, 2004  
 Project No. 0120-49-30-03-16

Illinois Environmental Protection Agency  
 Bureau of Land #24  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, IL 62794-9276

Re: **Annual Hazardous Waste Report**  
**Davis Junction Landfill**  
**Davis Junction, Illinois**  
**USEPA No. ILD980700451**  
**IEPA No. 1418210001**

**RECEIVED**  
 MAR 01 2004  
**IEPA/BOL**

Dear Correspondent:

On behalf of Davis Junction Landfill, **Weaver Boos Consultants, Inc.** submits an original and copy of the facility's 2003 Annual Hazardous Waste Report. As stated in the Report, Phase I of the facility is the hazardous waste unit that is subject to permitting under RCRA. The facility has been certified closed, and the only hazardous waste generated from the closed landfill activities is leachate.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants, Inc.**

*Diane K. Parks*

Diane K. Parks  
 Staff Environmental Specialist

**RECEIVED**

MAR 04 2004

**IEPA/BOL**

Enclosures

cc: **Jim Hitzeroth, BFI Waste Systems of North America Inc., Hanover Park, Illinois**



March 30, 2004

Mrs. Hope Wright  
Illinois Environmental Protection Agency  
Bureau Of Land  
1021 North Grand East  
P.O. Box 19276  
Springfield, IL 62794-9276

**RE: Annual Hazardous Waste Report Fee  
Davis Junction Landfill  
IEPA No. 141820001**

Attached is a check for the Davis Junction Landfill Annual Hazardous Waste Report fee.

There was an oversight when the Hazardous Waste Report was submitted and the fee was not included. We regret this oversight and sincerely apologize for any inconvenience this may have caused.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Hitzeroth".

James Hitzeroth  
Environmental Manager  
Allied Waste Industries Inc.  
North Central Region

Cc: Beth Steinhour- Weaver Boos Consultants

RECEIVED

MAR 31 2004

IEPA/BOI

Allied Waste Industries, Inc.  
Mallard Lake Facility • 26 W. 580 Schick Rd. • Hanover Park, Illinois 60133  
Phone 630-894-9000 • Fax 630-894-9089

US EPA Number: 1 L D 9 8 0 7 0 0 7 5 1

IEPA Number: 1 4 1 8 2 1 0 0 0 1

Company name: Davis Junction Landfill

Address: 8902 No.- Illinois Route 251, Davis Junction, IL 61020

Instructions for this form found on pages 12-15 This form must be completed for the location shown above.  
All information on this page is required.

**ILLINOIS Environmental Protection Agency  
2004 Hazardous Waste Report  
Form IC - Identification and Certification**

**Section 1. HAZARDOUS WASTE ACTIVITIES**

- 31 1 RCRA Generator Status as of 3-1-2005  
 1= LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste  
 2= SQG: 100 to 1,000 kg/mo (220-2220 lbs/mo) of non-acute hazardous waste  
 3= CESGG: Less than 100 kg/mo of non-acute hazardous waste  
 4= Nongenerator  
 32 \_\_\_ Although site is no longer a LQG, it was a LQG during the calendar year of 2004.

- Other Generator Activities: Enter Y (yes) or N (no)  
 33 \_\_\_ United States Importer of Hazardous Waste  
 34 \_\_\_ Mixed Waste (hazardous & radioactive) Generator

For Agency Use Only  
 Fee enclosed  No Fee Enclosed   
*Handwritten initials and date: JWH 2/5/05*

- All other hazardous waste activities: Enter Y or N  
 35 N Transporter of Hazardous Waste  
 36 N Treater, Storer, or Disposer of Hazardous Waste (at your site).  
 Note: A hazardous waste permit is required for this activity.  
 37 N Recycler of Hazardous Waste (at your site)  
 Note: A hazardous waste permit may be required for this activity.  
 Exempt Boiler and/or Industrial Furnace:  
 38 N Small Quantity On-Site Burner Exemption  
 39 N Smelting, Melting, Refining Furnace Exemption  
 40 N Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y or N**  
 \_\_\_ Large Quantity Handler (5000 kg) of Universal Waste.  
 Universal waste generated and/or accumulated at your site.

	Generated	Accumulated
Batteries	41 ___	42 ___
Pesticides	43 ___	44 ___
Thermostats	45 ___	46 ___
Fluorescent Bulbs	47 ___	48 ___

49 \_\_\_ Destination Facility for Universal Waste. Note: A hazardous waste permit may be required for this activity.

- Section 3. USED OIL ACTIVITIES: Enter Y or N**  
 50 N Used Oil Transporter  
 51 N Used Oil Transfer Facility  
 52 N Used Oil Processor  
 53 N Used Oil Re-refiner  
 54 N Off-Specification Used Oil Burner  
 55 N Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner  
 56 N Marketer Who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 5 or 6 digit NAICS CODE(S) FOR THIS LOCATION**

57 5 6 2 2 1 1 63 \_\_\_\_\_ 69 \_\_\_\_\_ 75 \_\_\_\_\_

RECEIVED

- Section 5. TYPES:**  
 Site Land Type (Enter code from list in instructions): 81 \_\_\_  
 Owner Type: (Enter code from list in instructions): 82 \_\_\_  
 Date current owner Became Owner (mm/dd/yyyy): 83 \_\_\_/\_\_\_/\_\_\_  
 Operator Type: (Enter code from list in instructions): 91 \_\_\_  
 Date current operator Became Operator (mm/dd/yyyy): 92 \_\_\_/\_\_\_/\_\_\_

MAR 01 2005  
IEPA / BOL

**Section 6. Comments: 100 Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.**

**COST ESTIMATES FOR TSD FACILITIES, Interim status and permitted**  
 A. Closure cost estimate: \$ \_\_\_\_\_  
 B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 2,938,525.00 \*

**Section 7.** The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.  
**Certification:** I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.  
 A. Please print: Last Name Gorske First Name Dan B. Title Regional Vice-President  
 C. Signature [Signature] D. Date of Signature 2/25/05  
 Name, Telephone number, and FAX number of person to contact if there are questions about this report.  
James W. Hitzeroth - 630/894-9000 (Phone)  
- 630/894-9089 (Fax)

**FORM IC – IDENTIFICATION AND CERTIFICATION**

**Davis Junction Landfill – Phase I**  
**USEPA Number ILD980700751**  
**IEPA Number 1418210001**

**Section 1, Line 36**

Phase I of Davis Junction Landfill received a RCRA Part B Permit on July 21, 1995. A Class I permit modification was obtained on August 30, 1999 which allowed modification to the permeability of the clay component of the final cover system to reduce water infiltration and leachate generation. Post-closure care of the Phase I unit began on December 5, 1984 and continues until December 5, 2014.

**Section 6, Line A**

Phase I has been closed so no closure estimate has been provided.

**Section 6 Line B**

Cost estimates for post-closure care were approved by the Illinois Environmental Protection Agency (IEPA) on January 28, 2004 (Permit Log No. B-142-M-9). On July 20, 2004 and October 7, 2004, an application and supplement for a permit modification to the post-closure cost estimate was submitted to the IEPA. The application requested a reduction in the remaining post-closure period and an increase in estimated costs based on the IEPA inflation factor. The permit application request is pending before the IEPA.

US EPA Number: IL D 9 8 0 7 0 0 4 5 1  
IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: Davis Junction Landfill  
Address: 8902 No. Illinois 251, Davis Junction, IL 61020

ILLINOIS Environmental Protection Agency  
2004 Hazardous Waste Report  
Form GM - Generation and Management

Instructions for this form found on pages 17-22. (Same UOM and density must be used for all quantities on this page).

**SECTION 1. WASTE DESCRIPTION**

A. Waste Description: Leachate from closed RCRA Hazardous Waste Landfill Unit  
B. EPA Hazardous Waste Code: F 0 3 9  
C. Source Code: G 2 6 When Source Code is G25, enter Management Method producing residuals: H 1 4 1  
D. Form code: W 1 1 9

**SECTION 2. QUANTITY GENERATED [DENSITY MUST BE ENTERED FOR ALL WASTE STREAMS!]**

A. UOM: 1 Density 0 8 . 3 4 lb/gal (Density of water is 08.34, most wastes are between 6 and 15)  
B. Quantity Generated in Current reporting year: 2 2 1, 1 0 0

**SECTION 3. QUANTITY MANAGED ON-SITE:** Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.

78 Y = Yes (continue to system 1) N = No (skip to section 4.)  
On-Site System 1: Management Method H Quantity managed on-site this year: 83  
On-Site System 2: Management Method H Quantity managed on-site this year: 97

**SECTION 4. OFF- SITE SHIPMENT - Refer to page 29 for common errors on facilities & management methods.**

A. Was any of this waste shipped off site this reporting year? Y = Yes (Continue to Site 1) N = No  
SITE 1. Name and address of off-site facility: CID Recycling/Disposal Facility  
138th St. & Interstate 94, Calumet City, IL 60409  
B. U.S. EPA ID No. of facility waste was shipped to: IL D 0 1 0 2 8 4 2 4 8

C. Management method shipped to: H 0 8 1  
D. Total quantity shipped in this reporting year: 2 2 1, 1 0 0 . 0

SITE 2. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: 134

C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: 150

SITE 3. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: 160

C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: 176

SITE 4. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: 186

C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: 202

SITE 5. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: 212

C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: 228

COMMENTS: Enter Y (Yes) if you have comments regarding this page and attach extra sheet.  
238

US EPA Number: IL D 9 8 0 7 0 0 7 5 1  
IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: Davis Junction Landfill  
Address: 8902 No. Illinois Route 251, Davis Junction, IL 61020

**ILLINOIS Environmental Protection Agency**  
**2004 Hazardous Waste Report**  
**Form TI - Transporter Identification**

Instructions for this form found on page 23. **PLEASE NOTE** that the four-digit hauling permit number is no longer valid for hazardous waste transporters, the transporter must have a Uniform Program Permit Number.

1. U.S. EPA ID No. W 1 0 0 0 0 8 1 5 3 8 1  
<sub>31</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. U P W 5 0 8 3 3 7 M N  
<sub>127</sub>  
Advanced Waste Carriers, Inc.  
1126 So. 70th Street, Suite N508B  
West Allis, WI 53214  
Phone: (800) 842-9792

2. U.S. EPA ID No. \_\_\_\_\_  
<sub>43</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>139</sub>

3. U.S. EPA ID No. \_\_\_\_\_  
<sub>55</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>151</sub>

4. U.S. EPA ID No. \_\_\_\_\_  
<sub>67</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>163</sub>

5. U.S. EPA ID No. \_\_\_\_\_  
<sub>79</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>175</sub>

6. U.S. EPA ID No. \_\_\_\_\_  
<sub>91</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>187</sub>

7. U.S. EPA ID No. \_\_\_\_\_  
<sub>103</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>199</sub>

8. U.S. EPA ID No. \_\_\_\_\_  
<sub>115</sub>  
Transporter Name, Address, and Telephone Number:

Hauling Permit No. \_\_\_\_\_  
<sub>211</sub>

COMMENTS: Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page 0 0 0 3  
<sub>223</sub> <sub>13</sub>

WEAVER  
BOOS  
CONSULTANTS  
INC  
GEO-ENVIRONMENTAL ENGINEERS  
AND SCIENTISTS

February 28, 2005  
Project No. 0120-49-30-03-16

Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: **Annual Hazardous Waste Report - 2004**  
**Davis Junction Landfill**  
**Davis Junction, Illinois**  
**USEPA No. ILD 980 700 451**  
**IEPA No. 141 82100 01**

RECEIVED  
MAR 01 2005  
IEPA / BOL

Dear Correspondent:

On behalf of Davis Junction Landfill, **Weaver Boos Consultants, Inc.** submits an original and copy of the facility's 2004 Annual Hazardous Waste Report. As stated in the Report, Phase I of the facility is the hazardous waste unit that is subject to permitting under RCRA. The facility has been certified closed, and the only hazardous waste generated from the closed landfill activities is leachate.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants, Inc.**



Diane K. Parks  
Staff Environmental Specialist

Enclosures

cc: Jim Hitzeroth, BFI Waste Systems of North America Inc., Hanover Park, Illinois  
Elizabeth A. Steinhour, Weaver Boos

SITE: 1418210031  
PROG: LPARM035  
LIST: LPARP035

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BUREAU OF LAND  
2005 ANNUAL REPORT  
COMPREHENSIVE REPORT

PAGE: 1  
TIME: 04:26:41  
DATE: 12/07/06

-----SECTION 1 HAZARDOUS WASTE ACTIVITIES----->

USEPA-ID	PAGE	FORM	GENERATOR	NOT LQG	IMPORTER	MIXED	HAULER	TSD	RECYCLEK	BURNER	FURNACE	INJECTION
NBR	CODE	IEPA-ID	STATUS	NEXT YR	HAZARD	WASTE	HAZARD	HAZ	HAZARD	EXEMPT	EXEMPT	CONTROL
ILD980700751	03001	IC	1418210001	1		N	N	N	Y	N	N	N

<-----SECTION 2 UNIVERSAL WASTE ACTIVITIES-----> <-----SECTION 3 USED OIL ACTIVITIES----->

BATTERIES	PESTICIDES	THERMOSTATS	FLUOR-BULBS	DESTINATION	TRANSFER	RE-	OFF-SPEC	MARKETER	MARKETER		
GEN ACCUM	GEN ACCUM	GEN ACCUM	GEN ACCUM	FACILITY	HAULER	FACILITY	PROCESSOR	REFINER	BURNER	OFF-SPEC	MET-SPEC
N	N	N	N	N	N	N	N	N	N	N	N

<-----SECTION 4-----> <-----SECTION 5 TYPES-----> SECTION 6

<-----NAICS CODES----->				SITE		<---OWNER--->		<---OPERATOR--->		ERROR ENTER PREVIOUS		
1ST	2ND	3RD	4TH	TYPE	TYPE	DATE	TYPE	DATE	COMMENT	FLAG	DATE	CHANGE DATE
562211				1	1	02/27/1975	1	02/27/1975	N		060315	

-----SECTION 1 WASTE DESCRIPTION----->

USEPA-ID	PAGE	FORM	<--EPA HAZ WASTE CODES-->					SOURCE MGMT WASTE DENSITY			ERROR ENTER PREVIOUS				
NBR	CODE	IEPA-ID	1ST	2ND	3RD	4TH	5TH	CODE	METHOD	FORM	OVERRIDE	COMMENT	FLAG	DATE	CHANGE DATE
ILD980700751	00002	GM	1418210001	F039				G25	H141	W113		N		060315	

-----SECTION 2-----><-----SECTION 3-----> <-----SECTION 4 OFF-SITE SHIPMENT----->

--QUANTITY GENERATED--><---MANAGED ON-SITE---				, MGMT THIS YEAR				MGMT THIS YEAR			
THIS YEAR		MGMT THIS YEAR		USEPA-ID METHOD QUANTITY		USEPA-ID METHOD QUANTITY					
UOM	DENSITY	QUANTITY	TDR METHOD	QUANTITY	SHIP	<-----SITES 1&3&5----->		<-----SITES 2&4----->			
1	8.36	294,000.0	N	0.0	Y SITE 1: ILDC10284248 H081	294,000.0			0.0		

GENERATOR	PAGE	FORM	GENERATOR	<---TRANSPORTER USEPA-ID(S) AND PERMIT NUMBER(S)--->				ERROR ENTER PREVIOUS			
USEPA-ID	NBR	CODE	IEPA-ID	1ST & 5TH	2ND & 6TH	3RD & 7TH	4TH & 8TH	COMMENT	FLAG	DATE	CHANGE DATE
ILD980700751	03002	TI	1418210001	WT0000815381				N		060315	
				UPW0508337MN							

US EPA Number: 1 L D 9 8 0 7 0 0 7 5 1  
IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: BFI WASTE SYSTEMS OF NORTH AMERICA  
Address: 8902 N RTE 251, DAVIS JUNCTION, IL 61020

**ILLINOIS Environmental Protection Agency**  
**2006 Hazardous Waste Report**  
**Form IC - Identification and Certification**

Instructions for this form found on pages 12-15 All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**

31 1 RCRA Generator Status as of 3-1-2006  
1= LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste  
2= SQG: 100 to 1,000 kg/mo (220-2220 lbs/mo) of non-acute hazardous waste  
3= CESGG: Less than 100 kg/mo of non-acute hazardous waste  
4= Nongenerator  
32 NA Although site is no longer a LQG, it was a LQG during the calendar year of 2005-Form GM&TI attached.  
**Other Generator Activities: Enter Y (yes) or N (no)**  
33 N United States Importer of Hazardous Waste  
34 N Mixed Waste (hazardous & radioactive) Generator

For Agency Use Only:

Fee enclosed  No Fee Enclosed

**All other hazardous waste activities: Enter Y or N**

35 N Transporter of Hazardous Waste  
36 Y Treater, Storer, or Disposer of Hazardous Waste (at your site).  
Note: A hazardous waste permit is required for this activity.  
37 N Recycler of Hazardous Waste (at your site)  
Note: A hazardous waste permit may be required for this activity.  
**Exempt Boiler and/or Industrial Furnace:**  
38 N Small Quantity On-Site Burner Exemption  
39 N Smelting, Melting, Refining Furnace Exemption  
40 N Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y or N**

N Large Quantity Handler (5000 kg) of Universal Waste.  
Universal waste generated and/or accumulated at your site.

	Generated	Accumulated
Batteries	41 <u>    </u>	42 <u>    </u>
Pesticides	43 <u>    </u>	44 <u>    </u>
Thermostats	45 <u>    </u>	46 <u>    </u>
Fluorescent Bulbs	47 <u>    </u>	48 <u>    </u>

49 N Destination Facility for Universal Waste. Note: A hazardous waste permit may be required for this activity.

**Section 3. USED OIL ACTIVITIES: Enter Y or N**

50 N Used Oil Transporter  
51 N Used Oil Transfer Facility  
52 N Used Oil Processor  
53 N Used Oil Re-refiner  
54 N Off-Specification Used Oil Burner  
55 N Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner  
56 N Marketer Who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 5 or 6 digit NAICS CODE(S) FOR THIS LOCATION**

57 5 6 2 2 1 1 63      69      75     

**RECEIVED**

MAR 01 2007

IEPA/BOL/WRCS

**Section 5. TYPES:**

Site Land Type (Enter code from list in instructions): 81 1  
Owner Type: (Enter code from list in instructions): 82 1  
Date current owner Became Owner (mm/dd/yyyy): 02 / 27 / 1975  
Operator Type: (Enter code from list in instructions): 91 1  
Date current operator Became Operator (mm/dd/yyyy): 02 / 27 / 1975

**Section 6. Comments: 100 Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.**

**COST ESTIMATES FOR TSD FACILITIES, Interim status and permitted**

A. Closure cost estimate: \$                 
B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 1 655 128 21

**Section 7.** The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

**Certification:** I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name      First Name      B. Title       
C. Signature      D. Date of Signature FEB 11 2008

Name, Telephone number, and FAX number of person to contact if there are questions about this report.

**REVIEWER MD**

**FORM IC – IDENTIFICATION AND CERTIFICATION**

**Davis Junction Landfill – Phase I**  
**USEPA Number ILD980700751**  
**IEPA Number 1418210001**

**Section 1, Line 36**

Phase I of Davis Junction Landfill received a RCRA Part B Permit on July 21, 1995. A Class I permit modification was obtained on August 30, 1999 which allowed modification to the permeability of the clay component of the final cover system to reduce water infiltration and leachate generation. Post-closure care of the Phase I unit began on December 5, 1984 and continues until December 5, 2014.

**Section 6, Line A**

Phase I has been closed so no closure estimate has been provided.

**Section 6 Line B**

Cost estimates for post-closure care were approved by the Illinois Environmental Protection Agency (IEPA) on January 28, 2004 (Permit Log No. B-142-M-9). On April, 2006 updated estimates of Post-Closure Care costs were provided to the Financial Assurance Section of the IEPA. The revised cost estimate pending approval is \$1,655,128.21.

IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: BFI WASTE SYSTEMS OF NORTH AMERICA  
Address: 8902 N RTE 251, DAVIS JUNCTION, IL 61020

**2006 Hazardous Waste Report  
Form GM - Generation and Management**

Instructions for this form found on pages 16-21. (Same UOM and density must be used for all quantities on this page).

**SECTION 1. WASTE DESCRIPTION**

A. Waste Description: LEACHATE FROM CLOSED RCRA HAZARDOUS WASTE LANDFILL  
B. EPA Hazardous Waste Code: F 0 3 9 \_\_\_\_\_  
C. Source Code: G 25 When Source Code is G25, enter Management Method producing residuals: H 1 4 1  
D. Form code: W 1 1 3

**SECTION 2. QUANTITY GENERATED [DENSITY MUST BE ENTERED FOR ALL WASTE STREAMS!]**

A. UOM: 1 Density 8.34 lb/gal {Density of water is 08.34, most wastes are between 6 and 15}  
B. Quantity Generated in Current reporting year: 3 3 5, 6 5 0

**SECTION 3. QUANTITY MANAGED ON-SITE:** Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.

N Y = Yes (continue to system 1) N = No (skip to section 4.)

On-Site System 1: Management Method H Quantity managed on-site this year: \_\_\_\_\_  
On-Site System 2: Management Method H Quantity managed on-site this year: \_\_\_\_\_

**SECTION 4. OFF-SITE SHIPMENT - Refer to page 29 for common errors on facilities & management methods.**

A. Was any of this waste shipped off site this reporting year? Y Y = Yes (Continue to Site 1) N = No

SITE 1. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: I L D 0 1 0 2 8 4 2 4 8  
C. Management method shipped to: H 0 8 1  
D. Total quantity shipped in this reporting year: 3 3 5, 6 5 0

SITE 2. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 3. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 4. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 5. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

COMMENTS:    Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

US EPA Number: I L D 9 8 0 7 0 0 7 5 1  
IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: BFI WASTE SYSTEMS OF NORTH AMERICA  
Address: 8902 N RTE 251, DAVIS JUNCTION, IL 61020

**ILLINOIS Environmental Protection Agency**  
**2006 Hazardous Waste Report**  
**Form TI - Transporter Identification**

Instructions for this form found on page 21. **PLEASE NOTE** that the four-digit hauling permit number is no longer valid for hazardous waste transporters, the transporter must have a Uniform Program Permit Number, with the last two fields the postal code of the state that issued the permit.

1. U.S. EPA ID No. W I 0 0 0 0 8 1 5 3 8 1 Hauling Permit No. U P W - 5 0 8 3 3 7 - M N  
<sub>31</sub> <sub>127</sub>  
Transporter Name, Address, and Telephone Number:

2. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>43</sub> <sub>139</sub>  
Transporter Name, Address, and Telephone Number:

3. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>55</sub> <sub>151</sub>  
Transporter Name, Address, and Telephone Number:

4. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>67</sub> <sub>163</sub>  
Transporter Name, Address, and Telephone Number:

5. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>79</sub> <sub>175</sub>  
Transporter Name, Address, and Telephone Number:

6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>91</sub> <sub>187</sub>  
Transporter Name, Address, and Telephone Number:

7. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>103</sub> <sub>199</sub>  
Transporter Name, Address, and Telephone Number:

8. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P \_\_\_\_\_  
<sub>115</sub> <sub>211</sub>  
Transporter Name, Address, and Telephone Number:

COMMENTS: N Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page 13  
<sub>223</sub>

**WEAVER**  
**BOOS**  
**CONSULTANTS**  
**NORTH CENTRAL, LLC**  
GEO-ENVIRONMENTAL ENGINEERS  
AND SCIENTISTS

February 28, 2006  
Project No. 0120-49-30-07

Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: **Annual Hazardous Waste Report - 2006**  
**Davis Junction Landfill**  
**Davis Junction, Illinois**  
**USEPA No. ILD980700751**  
**IEPA No. 1418210001**

**RECEIVED**  
MAR 01 2007  
IEPA/BOL/WRCS

Dear Correspondent:

On behalf of Davis Junction Landfill, **Weaver Boos Consultants, Inc.** submits an original and copy of the facility's 2006 Annual Hazardous Waste Report. The facility has been certified closed, and the only hazardous waste generated from the closed landfill activities is leachate.

Please note that Form IC has not been signed. This page will be hand delivered upon its receipt. Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants, Inc.**

*Bridget M. Conlon*

Bridget M. Conlon  
Staff Environmental Specialist

Enclosures

cc: **Jim Hitzeroth, BFI Waste Systems of North America Inc., Hanover Park, Illinois**  
**Elizabeth A. Steinhour, Weaver Boos**

**RELEASABLE**

FEB 11 2008

**REVIEWER MD**

**WEAVER**  
**BOOS**  
**CONSULTANTS**  
**NORTH CENTRAL, LLC**  
 GEO-ENVIRONMENTAL ENGINEERS  
 AND SCIENTISTS

March 6, 2007  
 Project No. 0120-49-30-07

Illinois Environmental Protection Agency  
 Bureau of Land #24  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, IL 62794-9276

**ORIGINAL**

**Re: Annual Hazardous Waste Report - 2006**  
**Davis Junction Landfill**  
**Davis Junction, Illinois**  
**USEPA No. ILD980700751**  
**IEPA No. 1418210001**

**RECEIVED**

MAR 07 2007

**IEPA/BOL/WRCS**

Dear Correspondent:

On behalf of Davis Junction Landfill, **Weaver Boos Consultants, Inc.** submits an original and copy of the facility's 2006 Annual Hazardous Waste Report complete with signature. On March 1, 2007, the 2006 report and fee for Davis Landfill were submitted without signature.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants, Inc.**

*Bridget M. Conlon*

Bridget M. Conlon  
 Staff Environmental Specialist

**RELEASABLE**

FEB 11 2008

**REVIEWER MD**

Enclosures

cc: **Jim Hitzeroth, BFI Waste Systems of North America Inc., Hanover Park, Illinois**  
**Elizabeth A. Steinhour, Weaver Boos**

US EPA Number: 1 L D 9 8 0 7 0 0 7 5 1  
IEPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: BFI WASTE SYSTEMS OF NORTH AMERICA  
Address: 8902 N RTE 251, DAVIS JUNCTION, IL 61020

**ILLINOIS Environmental Protection Agency  
2006 Hazardous Waste Report  
Form IC - Identification and Certification**

Instructions for this form found on pages 12-15 All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**

- 31 1 RCRA Generator Status as of 3-1-2006
  - 1= LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste
  - 2= SQG: 100 to 1,000 kg/mo (220-2220 lbs/mo) of non-acute hazardous waste
  - 3= CESGG: Less than 100 kg/mo of non-acute hazardous waste
  - 4= Nongenerator
- 32 NA Although site is no longer a LQG, it was a LQG during the calendar year of 2005-Form GM&TI attached.
- Other Generator Activities: Enter Y (yes) or N (no)
- 33 N United States Importer of Hazardous Waste
- 34 N Mixed Waste (hazardous & radioactive) Generator

For Agency Use Only:  
     Fee enclosed      No Fee Enclosed

**All other hazardous waste activities: Enter Y or N**

- 35 N Transporter of Hazardous Waste
- 36 Y Treater, Storer, or Disposer of Hazardous Waste (at your site).  
Note: A hazardous waste permit is required for this activity.
- 37 N Recycler of Hazardous Waste (at your site).  
Note: A hazardous waste permit may be required for this activity.
- Exempt Boiler and/or Industrial Furnace:
  - 38 N Small Quantity On-Site Burner Exemption
  - 39 N Smelting, Melting, Refining Furnace Exemption
  - 40 N Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y or N**

- N Large Quantity Handler (5000 kg) of Universal Waste.  
Universal waste generated and/or accumulated at your site.

	Generated	Accumulated
Batteries	41 <u>    </u>	42 <u>    </u>
Pesticides	43 <u>    </u>	44 <u>    </u>
Thermostats	45 <u>    </u>	46 <u>    </u>
Fluorescent Bulbs	47 <u>    </u>	48 <u>    </u>

- 49 N Destination Facility for Universal Waste. Note: A hazardous waste permit may be required for this activity.

**Section 3. USED OIL ACTIVITIES: Enter Y or N**

- 50 N Used Oil Transporter
- 51 N Used Oil Transfer Facility
- 52 N Used Oil Processor
- 53 N Used Oil Re-refiner
- 54 N Off-Specification Used Oil Burner
- 55 N Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner
- 56 N Marketer Who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 5 or 6 digit NAICS CODE(S) FOR THIS LOCATION**

57 5 56 2 21 1 63      69      75     

**Section 5. TYPES:**

- Site Land Type (Enter code from list in instructions): 81 1
- Owner Type: (Enter code from list in instructions): 82 1
- Date current owner Became Owner (mm/dd/yyyy): 83 02 / 27 / 1975
- Operator Type: (Enter code from list in instructions): 91 1
- Date current operator Became Operator (mm/dd/yyyy): 92 02 / 27 / 1975

RECEIVED  
MAR 07 2007  
IEPA/BOL/WRCS

**Section 6. Comments: 100 Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.**

**COST ESTIMATES FOR TSD FACILITIES, Interim status and permitted**

- A. Closure cost estimate: \$
- B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 1 655 128 21

**Section 7.** The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

**Certification:** I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Groen First Name Roger B. Title vice President

C. Signature [Signature] D. Date of Signature 3-5-07

Name, Telephone number, and FAX number of person to contact if there are questions about this report.     

FEB 11 2008

REVIEWER MD

**FORM IC - IDENTIFICATION AND CERTIFICATION****Davis Junction Landfill - Phase I****USEPA Number ILD980700751****IEPA Number 1418210001****Section 1, Line 36**

Phase I of Davis Junction Landfill received a RCRA Part B Permit on July 21, 1995. A Class I permit modification was obtained on August 30, 1999 which allowed modification to the permeability of the clay component of the final cover system to reduce water infiltration and leachate generation. Post-closure care of the Phase I unit began on December 5, 1984 and continues until December 5, 2014.

**Section 6, Line A**

Phase I has been closed so no closure estimate has been provided.

**Section 6 Line B**

Cost estimates for post-closure care were approved by the Illinois Environmental Protection Agency (IEPA) on January 28, 2004 (Permit Log No. B-142-M-9). On April, 2006 updated estimates of Post-Closure Care costs were provided to the Financial Assurance Section of the IEPA. The revised cost estimate pending approval is \$1,655,128.21.

EPA Number: 1 4 1 8 2 1 0 0 0 1  
Company name: BFI WASTE SYSTEMS OF NORTH AMERICA  
Address: 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

**2006 Hazardous Waste Report  
Form GM - Generation and Management**

Instructions for this form found on pages 16-21. (Same UOM and density must be used for all quantities on this page).

**SECTION 1. WASTE DESCRIPTION**

A. Waste Description: LEACHATE FROM CLOSED RCRA HAZARDOUS WASTE LANDFILL  
B. EPA Hazardous Waste Code: F 0 3 9 \_\_\_\_\_  
C. Source Code: G 2 5 When Source Code is G25, enter Management Method producing residuals: H 1 4 1  
D. Form code: W 1 1 3

**SECTION 2. QUANTITY GENERATED (DENSITY MUST BE ENTERED FOR ALL WASTE STREAMS!)**

A. UOM: 1 Density 8.34 lb/gal (Density of water is 08.34, most wastes are between 6 and 15)  
B. Quantity Generated in Current reporting year: 3 3 5, 6 5 0

**SECTION 3. QUANTITY MANAGED ON-SITE: Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.**

N Y = Yes (continue to system 1) N = No (skip to section 4.)  
On-Site System 1: Management Method H Quantity managed on-site this year: \_\_\_\_\_  
On-Site System 2: Management Method H Quantity managed on-site this year: \_\_\_\_\_

**SECTION 4. OFF-SITE SHIPMENT - Refer to page 29 for common errors on facilities & management methods.**

A. Was any of this waste shipped off site this reporting year? Y Y = Yes (Continue to Site 1) N = No

SITE 1. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: I L D 0 1 0 2 8 4 2 4 8  
C. Management method shipped to: H 0 8 1  
D. Total quantity shipped in this reporting year: 3 3 5, 6 5 0

SITE 2. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 3. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 4. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 5. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

COMMENTS: N Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

U.S. EPA Number: 1 L D 9 8 0 7 0 0 7 5 1

**ILLINOIS Environmental Protection Agency  
2006 Hazardous Waste Report  
Form TI - Transporter Identification**

EPA Number: 1 4 1 8 2 1 0 0 0 1

Company name: BFI WASTE SYSTEMS OF NORTH AMERICA

Address: 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

Instructions for this form found on page 21. **PLEASE NOTE** that the four-digit hauling permit number is no longer valid for hazardous waste transporters, the transporter must have a Uniform Program Permit Number, with the last two fields the postal code of the state that issued the permit.

1. U.S. EPA ID No. W I 0 0 0 0 8 1 5 3 8 1 Hauling Permit No. U P W - 5 0 8 3 3 7 - M N  
<sub>31</sub> <sub>127</sub>

Transporter Name, Address, and Telephone Number:

2. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>43</sub> <sub>139</sub>

Transporter Name, Address, and Telephone Number:

3. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>55</sub> <sub>151</sub>

Transporter Name, Address, and Telephone Number:

4. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>67</sub> <sub>163</sub>

Transporter Name, Address, and Telephone Number:

5. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>79</sub> <sub>175</sub>

Transporter Name, Address, and Telephone Number:

6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>91</sub> <sub>187</sub>

Transporter Name, Address, and Telephone Number:

7. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>103</sub> <sub>199</sub>

Transporter Name, Address, and Telephone Number:

8. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. U P - \_\_\_\_\_  
<sub>115</sub> <sub>211</sub>

Transporter Name, Address, and Telephone Number:

COMMENTS: N Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page \_\_\_\_\_  
<sub>223</sub> <sub>13</sub>

DAVIS

AWIN MANAGEMENT, INC.

INVOICE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
80700728	1/25/2006	500.00		500.00
Message : RTD L81 JAMES HITZEROTH 701 AW North America, Inc.		HAZ WASTE REPORT FEE		R 000121
		EPA-DIVISION OF RECORDS MANAGEMENT RELEASABLE		
		OCT 03 2024		
		REVIEWER: EMI		
CHECK # 2585160		CHECK TOTALS:	500.00	500.00
VENDOR: 21823, ILLINOIS ENVIRONMENTAL PROTECT				

COPY

DETACH THIS PORTION FOR YOUR RECORDS

ORIGINAL DOCUMENTS PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER. DO NOT CASH IF THE WORD VOID IS VISIBLE.

AWIN MANAGEMENT, INC.

BANK OF AMERICA

C/O Allied Waste North America, Inc.  
C/O Browning Ferris Industries, Inc.  
18500 N. Allied Way  
Phoenix, AZ 85054

CHECK NO. 2585160

52-153 ME 112

PAY \*\*\*EXACTLY \*\*\*\*\*500 \*\*\* DOLLARS and 00 CENTS

DATE 2/02/2007

AMOUNT \*\*\*\*\*500.00

AWIN MANAGEMENT, INC.  
VOID IF OVER 180 DAYS OLD

TO THE ORDER OF ILLINOIS ENVIRONMENTAL PROTECT  
1021 NORTH GRAND AVE EAST  
PO BOX 19276  
SPRINGFIELD IL 62794-9276

PER *Patricia Hol*

PER

DOCUMENT CONTAINS A TRUE WATERMARK. DO NOT CASH IF THE WATERMARK IS NOT VISIBLE. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

0002585160

SITE: 1418210001  
PRCG: LPARM035  
LIST: LPARP035

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BUREAU OF LAND  
2007 ANNUAL REPORT  
COMPREHENSIVE REPORT

PAGE: 1  
TIME: 04:22:53  
DATE: 01/13/09

<-----SECTION 1 HAZARDOUS WASTE ACTIVITIES----->

USEPA-ID	PAGE	FORM	GENERATOR	NOT LQG	IMPORTER	MIXED	HAULER	TSD	RECYCLER	BURNER	FURNACE	INJECTION
NBR	CODE	IEPA-ID	STATUS	NEXT YR	HAZARD	WASTE	HAZARD	HAZ	HAZARD	EXEMPT	EXEMPT	CONTROL
ILD980700751	03001	IC	1418210001	1		N	N	N	Y	N	N	N

<-----SECTION 2 UNIVERSAL WASTE ACTIVITIES-----> <-----SECTION 3 USED OIL ACTIVITIES----->

BATTERIES	PESTICIDES	THERMOSTATS	FLUOR-BULBS	DESTINATION	TRANSFER	RE-	OFF-SPEC	MARKETER	MARKETER		
GEN ACCUM	GEN ACCUM	GEN ACCUM	GEN ACCUM	FACILITY	HAULER	FACILITY	PROCESSOR	REFINER	BURNER	OFF-SPEC	MET-SPEC
N	N	N	N	N	N	N	N	N	N	N	N

<-----SECTION 4-----> <-----SECTION 5 TYPES-----> SECTION 6

<-----NAICS CODES----->				SITE		<-----OWNER----->		<-----OPERATOR----->		ERROR ENTER PREVIOUS		
1ST	2ND	3RD	4TH	TYPE	TYPE	DATE	TYPE	DATE	COMMENT	FLAG	DATE	CHANGE DATE
562211				1	1	02/27/1975	1	02/27/1975	Y		080314	

<-----SECTION 1 WASTE DESCRIPTION----->

USEPA-ID	PAGE	FORM	<-----EPA HAZ WASTE CODES-->					SOURCE MGMT			WASTE	DENSITY	ERROR ENTER PREVIOUS		
NBR	CODE	IEPA-ID	1ST	2ND	3RD	4TH	5TH	CODE	METHOD	FORM	OVERRIDE	COMMENT	FLAG	DATE	CHANGE DATE
ILE980700751	00002	GM	1418210001	F039				G61		W113		N	080314	080603	

-----SECTION 2-----><-----SECTION 3-----><-----SECTION 4 OFF-SITE SHIPMENT----->

--QUANTITY GENERATED--><-----MANAGED ON-SITE----->				MGMT THIS YEAR				MGMT THIS YEAR									
THIS YEAR		MGMT		THIS YEAR		USEPA-ID		METHOD		QUANTITY		USEPA-ID		METHOD		QUANTITY	
UOM	DENSITY	QUANTITY	TDR	METHOD	QUANTITY	SHIP	<-----SITES 1&3&5----->				<-----SITES 2&4----->						
1	8.36	246,800.0	N		0.0	Y	SITE 1: ILD010284248 H081				246,800.0						

GENERATOR PAGE FORM GENERATOR <-----TRANSPORTER USEPA-ID(S) AND PERMIT NUMBER(S)-----> ERROR ENTER PREVIOUS

USEPA-ID	NBR	CODE	IEPA-ID	1ST & 5TH	2ND & 6TH	3RD & 7TH	4TH & 8TH	COMMENT FLAG DATE CHANGE DATE					
ILD980700751	03002	TI	1418210001	W10000815381				N 080314					
												UPW0508337MN	



**Certification to be submitted with electronic data submissions**

Please remember to submit the \$500 fee along with this certification and the electronic files.  
Please do not submit printed reports.

For Agency Use Only:  
 Fee Enclosed  No Fee

Company USEPA ID number: ILD980700751

Company IEPA ID number: 1418210001

Annual Hazardous Waste Report  
Electronic data submission for year: 2009

Form types on the electronic data submission and number of pages for each type:

Form IC: 1 Pages  
Form GM: 1 Pages  
Form TI: 1 Pages  
Form WR: NA Pages (Receiving facilities only)

- The enclosed data file has passed the edits contained in the software.
- The enclosed data file did not pass the edits contained in the software, explanations are included in enclosed comments pages.

**COST ESTIMATES FOR FACILITIES, interim status and permitted**

A. Closure cost estimate:           ,           ,           

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only):  
\$           , 650, 386, 00

**Certification:**

I certify under penalty of law that I have personally examined and am familiar with the information attached electronic data submission. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Please print/type: A. Last name Zimmerman First name Bryan  
B. Title Area President  
C. Telephone (952) 940-5304  
D. Signature *Bryan Zimmerman*  
E. Date of signature 2-17-10

Copy 2

**RECEIVED**

MAR 1 2010

IEPA/BOL/WRCS

**ILLINOIS Environmental Protection Agency**  
**2009 Hazardous Waste Report**  
**Form IC - Identification and Certification**

US EPA ID: ILD980700751 IL. EPA ID: 1418210001

**HAZARDOUS WASTE**

RCRA Generator Status: 1

**Generator Activities**  
 United States Importer of Hazardous Waste  
 Mixed Waste (hazardous & radioactive) Generator

**Universal Waste Activities**

Large Quantity Handler (5000 kg)  
Managed

Batteries	-	-
Pesticides	-	-
Mercury Containing Equipmen	-	-
Lamps	-	-

Destination Facility for Universal Waste

Transporter of Hazardous Waste  
 Treater, Storer, or Disposer of Hazardous Waste  
 Recycler of Hazardous Waste (at your site)  
 Exempt Boiler and/or Industrial Furnace:  
 Small Quantity On-Site Burner Exemption  
 Smelting, Melting Refining Furnace exemption  
 Underground Injection Control

**Used Oil Activities**

Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Marketer Who Directs Off-Spec Oil to Burner  
 Marketer Who Claims Oil Meets Specifications

**NAICS Code(s) for this Location**

562211

Site Land Type: 1  
 Owner Type: 1 Owner Start Date: 02/27/1975  
 Operator Type: 1 Operator Start Date 02/27/1975

Comments:

Company Contact : **JIM, HITZEROTH**

Title: **Environmental Coordinator/Manager**

Phone: **(630) 894-5001**

ILLINOIS Environmental Protection Agency  
2009 Hazardous Waste Report  
Form GM – Generation and Management

Page: 00002

US EPA ID: ILD980700751 IL. EPA ID: 1418210001

**SECTION 1. WASTE DESCRIPTION**

- A. Waste Description **LEACHATE FROM CLOSED RCRA HAZARDOUS WASTE LANDFILL**
- B. EPA Hazardous Waste Code(s): F039
- C. Source Code: G25 Management Method: H141
- D. Form Code: W113 Waste Minimization Code X

**SECTION 2. QUANTITY GENERATED**

- A. UOM: 1 Gallons Density: 8.36 lb/gal.
- B. Quantity Generated in Current reporting year: 155,900.0

**SECTION 3. QUANTITY MANAGED ON-SITE:**

Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? (DO NOT include RCRA exempt processes) N

- On-Site System 1: Management Method: \_\_\_\_\_ Quantity managed on-site this year: 0.0
- On-Site System 2: Management Method: \_\_\_\_\_ Quantity managed on-site this year: 0.0

**SECTION 4. OFF-SITE SHIPMENT**

- A. Was any of this waste shipped off site this reporting year? Y

**SITE 1.**

- B. U.S. EPA ID No. of facility waste was shipped to: ILD010284248
- C. Management method shipped to: H081
- D. Total quantity shipped in this reporting year: 151,000.00

**SITE 2.**

- B. U.S. EPA ID No. of facility waste was shipped to: OHD020273819
- C. Management method shipped to: H134
- D. Total quantity shipped in this reporting year: 4,900.00

**SITE 3.**

- B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_
- C. Management method shipped to: \_\_\_\_\_
- D. Total quantity shipped in this reporting year: 0.00

**SITE 4.**

- B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_
- C. Management method shipped to: \_\_\_\_\_
- D. Total quantity shipped in this reporting year: 0.00

**SITE 5.**

- B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_
- C. Management method shipped to: \_\_\_\_\_
- D. Total quantity shipped in this reporting year: 0.00

COMMENTS: N

Page #: 00002

**ILLINOIS Environmental Protection Agency  
2009 Hazardous Waste Report  
Form TI -- Transporter Identification**

US EPA ID: ILD980700751 IL. EPA ID: 1418210001

1. U.S. EPA ID No WI0000815381 Hauling Permit No. UPW508337MN
2. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
3. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
4. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
5. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
7. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_
8. U.S. EPA ID No \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_

Comments: N

IC Page No.: 00001 Successfully Exported.

IC Records Successfully Exported: 1  
IC Records Exported With Errors: 0

GM Page No.: 00002 Successfully Exported.

GM Records Successfully Exported: 1  
GM Records Exported With Errors: 0

TI Page No.: 00002 Successfully Exported.

TI Records Successfully Exported: 1  
TI Records Exported With Errors: 0

WR Records Successfully Exported: 0  
WR Records Exported With Errors: 0

**WEAVER**

**BOOS**

**CONSULTANTS**

**ORIGINAL**

February 26, 2010  
Project No. 0120-49-30

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

**Re: Annual Hazardous Waste Report - 2009  
Davis Junction Landfill  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001**

Dear Ms. Wright:

On behalf of Davis Junction Landfill, **Weaver Boos Consultants** submits an electronic and paper copy of the facility's 2009 Annual Hazardous Waste Report. Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants, Inc.**

*Bridget M. Conlon*

Bridget M. Conlon  
Staff Environmental Specialist

Enclosures

cc: Jim Hitzeroth, BFI Waste Systems of North America, LLC

**WEAVER**  
**BOOS**  
**CONSULTANTS**

Project No.0120-49  
August 6, 2010

Illinois Environmental Protection Agency  
Permit Section  
Bureau of Land - #33  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

**Re: Addendum to 2009 Annual Report  
Davis Junction Landfill  
RCRA Part B (Phase I) Unit  
Site No. 1418210001 – Ogle County  
Permit No. B-142  
Davis Junction, Illinois**

**RECEIVED**  
**AUG 06 2010**  
**IEPA-BOL**  
**PERMIT SECTION**

Dear Correspondent:

On February 26, 2010, Weaver Boos Consultants (*Weaver Boos*) submitted the 2009 Annual Report for Davis Junction Landfill per Permit No. B-142. Clarification has been requested regarding activities that took place regarding the onsite gas-to-energy facility during 2009. As such, Weaver Boos is submitting an addendum to the original annual report.

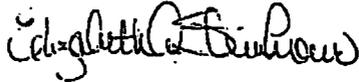
Previously a gas-to-energy facility had been co-located at Davis Junction Landfill. Gas Recovery Services (GRS)/Fortistar Methane Group (Fortistar) had operated the facility. Landfill gas was routed to the facility and the landfill flare was used as backup control. However, as of June 2009, GRS/Fortistar removed their equipment from site and ceased operations at Davis Junction Landfill. Since that time, all landfill gas produced has been routed to the onsite flare.

Despite the removal of the gas-to-energy facility, Fortistar personnel continued to conduct monthly operation and maintenance inspections at Davis Junction throughout 2009. Monthly site evaluations, including cover inspections, well gas readings, and flare maintenance, were recorded and reported by Fortistar for each month of 2009. Fortistar also completed the Annual Ambient Air Monitoring as included in the original annual report

**Illinois Environmental Protection Agency**  
**August 6, 2010**  
**Davis Junction Landfill**  
**Page 2 of 2**

Thank you for your consideration of this matter, and please do not hesitate to call if you have any questions.

Very truly yours,  
**Weaver Boos Consultants North Central LLC**



Elizabeth A. Steinhour  
Senior Project Manager



Bridget M. Conlon  
Project Environmental Specialist

Cc: Joy Bliton, Ogle County Solid Waste Department  
James Hitzeroth, B.F.I. Davis Junction Landfill

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**AUG 06 2010**

**IEPA-BOL  
PERMIT SECTION**

**WEAVER  
BOOS  
CONSULTANTS**



**Certification to be submitted with electronic data submissions**

Please remember to submit the \$500 fee along with this certification and the electronic files. Please do not submit printed reports.

For Agency Use Only:  
\_ Fee Enclosed      No Fee Enclosed     

*Handwritten initials*

Company USEPA ID number:           ILD980700751          

Company IEPA ID number:           1418210001          

Annual Hazardous Waste Report           2011            
Electronic data submission for year:

Form types on the electronic data submission and number of pages for each type:

- Form IC:           1           Pages
- Form GM:           0           Pages
- Form TI:           0           Pages
- Form WR:           0           Pages (Receiving facilities only)

- The enclosed data files has passed the edits contained in the software.
- The enclosed data file did not pass the edits contained in the software, explanations are included in enclosed comments pages.

**COST ESTIMATES FOR FACILITIES, interim status and permitted**

A. Closure cost estimate: \$            ,            ,            .           

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only):

\$            ,           310           ,           764           .           00          

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

**Certification:**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached electronic data submission. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Please print/type:

- A. Last name           Zimmerman           First Name           Bryan
- B. Title           Area President
- C. Telephone           952-940-5304           Email address           BZimmerman@republicservices.com
- D. Signature           *Bryan Zimmerman*
- E. Date of signature           2-27-12

The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS@), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

IEPA - DIVISION OF RECORDS MANAGEMENT

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\*Validated\*

**ILLINOIS Environmental Protection Agency  
2011 Hazardous Waste Report  
Form IC -- Identification and Certification**

**IEPA/BOL/WRCS**

US. EPA ID: **ILD980700751** IL. EPA ID: **1418210001**

**HAZARDOUS  
WASTE**

<p>RCRA Generator Status: <u>4</u></p>	<p><u>N</u> Transporter of Hazardous Waste  <u>N</u> Transfer Facility (at your site)  <u>N</u> Treater, Storer, or Disposer of Hazardous Waste  <u>N</u> Recycler of Hazardous Waste (at your site)                  Exempt Boiler and/or Industrial Furnace:  <u>N</u> Small Quantity On-Site Burner exemption  <u>N</u> Smelting, Melting Refining Furnace exemption  <u>N</u> Underground Injection Control</p>												
<p>Generator Activities</p> <p><u>N</u> United States Importer of Hazardous Waste  <u>N</u> Mixed Waste(hazardous&amp;radioactive) Generator</p>	<p>Used Oil Activities</p> <p><u>N</u> Used Oil Transporter  <u>N</u> Used Oil Transfer Facility  <u>N</u> Used Oil Processor  <u>N</u> Used Oil Re-refiner  <u>N</u> Off-Specification Used Oil Burner  <u>N</u> Marketer Who Directs Off-Spec Oil to Burner  <u>N</u> Marketer Who Claims Oil Meets Spec.</p>												
<p>Universal Waste Activities</p> <p><u>N</u> Large Quantity Handler (500 kg) Managed</p> <table border="0"> <tr> <td>Batteries</td> <td><u>X</u></td> <td><u>    </u></td> </tr> <tr> <td>Pesticides</td> <td><u>X</u></td> <td><u>    </u></td> </tr> <tr> <td>Mercury Containing Equipment</td> <td><u>X</u></td> <td><u>    </u></td> </tr> <tr> <td>Lamps</td> <td><u>X</u></td> <td><u>    </u></td> </tr> </table> <p><u>N</u> Destination Facility for Universal Waste</p>	Batteries	<u>X</u>	<u>    </u>	Pesticides	<u>X</u>	<u>    </u>	Mercury Containing Equipment	<u>X</u>	<u>    </u>	Lamps	<u>X</u>	<u>    </u>	<p>NAICS Code(s) for this Location</p> <p><u>562211</u>    <u>0</u>    <u>0</u>    <u>0</u></p> <p>Site Land Type: <u>1</u>                  Owner Type: <u>1</u>    Owner Start Date: <u>02/27/1975</u>                  Operator Type: <u>1</u>    Operator Start Date: <u>02/27/1975</u></p>
Batteries	<u>X</u>	<u>    </u>											
Pesticides	<u>X</u>	<u>    </u>											
Mercury Containing Equipment	<u>X</u>	<u>    </u>											
Lamps	<u>X</u>	<u>    </u>											

Comments: N

Company Contact: JIM, HITZEROTH

Title: D

Phone: 6308945001

**WEAVER**  
**BOOS**  
**CONSULTANTS**

February 29, 2012  
Project No. 0120-49-30

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

**ORIGINAL**

**Re: Annual Hazardous Waste Report - 2011  
BFI, Davis Junction Landfill - Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001**

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC., Weaver Boos Consultants North Central, LLC submits an electronic and paper copy of the facility's 2011 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2011 was classified as non-hazardous pursuant to the above delisting petition. 2011 is the first complete calendar year in which no hazardous waste was generated at the site. Therefore, only an Identification and Certification Form and Signature Form have been included with this report. Additionally, no fee has been included due to this change in RCRA generator status pursuant my discussion with you on February 15, 2012.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Boos Consultants North Central, LLC

*Bridget M. Conlon*

Bridget M. Conlon  
Project Environmental Specialist

Enclosures

cc: Jim Hitzerth, BFI Waste Systems of North America, LLC (w/ encl)

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASE

JAN 14 2013

REVIEWER MED

RECEIVED  
FEB 08 2013

R 000135

IEPA/BOL/WRCS

**Certification to be submitted with electronic data submissions**

Please remember to submit the \$500 fee along with this certification and the electronic files. Please do not submit printed reports.

For Agency Use Only:  
\_ Fee Enclosed \_ No Fee Enclosed

Company USEPA ID number: ILD980700751  
Company IEPA ID number: 1418210001  
Annual Hazardous Waste Report  
Electronic data submission for year: 2012

Form types on the electronic data submission and number of pages for each type:

Form IC: 1 Pages  
Form GM: 0 Pages  
Form TI: 0 Pages  
Form WR: 0 Pages (Receiving facilities only)

The enclosed data files has passed the edits contained in the software.  
 The enclosed data file did not pass the edits contained in the software, explanations are included in enclosed comments pages.

**COST ESTIMATES FOR FACILITIES, interim status and permitted**

A. Closure cost estimate: \$ \_\_\_\_\_

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only):  
\$ \_\_\_\_\_ 243,970 \_\_\_\_\_

EPA DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

JAN 27 2014

REVIEWER JKS

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

**Certification:**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached electronic data submission. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Please print/type:

A. Last name Zimmerman First Name Bryan  
B. Title Area President  
C. Telephone (952) 946-5304 Email address bzimmerman@republicservices.com  
D. Signature *Bryan Zimmerman*  
E. Date of signature 2-5-13

The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS@), 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

Copy

\*Validated\*

**ILLINOIS Environmental Protection Agency  
2012 Hazardous Waste Report  
Form IC -- Identification and Certification**

US. EPA ID: ILD980700751 IL. EPA ID: 1418210001

**HAZARDOUS  
WASTE**

RCRA Generator Status: <u>4</u>	<input type="checkbox"/> Transporter of Hazardous Waste <input type="checkbox"/> Transfer Facility (at your site) <input type="checkbox"/> Treater, Storer, or Disposer of Hazardous Waste <input type="checkbox"/> Recycler of Hazardous Waste (at your site) Exempt Boiler and/or Industrial Furnace: <input type="checkbox"/> Small Quantity On-Site Burner exemption <input type="checkbox"/> Smelting, Melting Refining Furnace exemption <input type="checkbox"/> Underground Injection Control
Generator Activities  <input type="checkbox"/> United States Importer of Hazardous Waste  <input type="checkbox"/> Mixed Waste(hazardous&radioactive) Generator	Used Oil Activities  <input type="checkbox"/> Used Oil Transporter <input type="checkbox"/> Used Oil Transfer Facility <input type="checkbox"/> Used Oil Processor <input type="checkbox"/> Used Oil Re-refiner <input type="checkbox"/> Off-Specification Used Oil Burner <input type="checkbox"/> Marketer Who Directs Off-Spec Oil to Burner <input type="checkbox"/> Marketer Who Claims Oil Meets Spec.
Universal Waste Activities  <input type="checkbox"/> Large Quantity Handler (500 kg) Managed  Batteries <u>X</u> <u>—</u> Pesticides <u>X</u> <u>—</u> Mercury Containing Equipment <u>X</u> <u>—</u> Lamps <u>X</u> <u>—</u> <input type="checkbox"/> Destination Facility for Universal Waste	Site Land Type: <u>1</u> Owner Type: <u>1</u> Owner Start Date: <u>02/27/1975</u> Operator Type: <u>1</u> Operator Start Date: <u>02/27/1975</u>
NAICS Code(s) for this Location  <u>562211</u> <u>0</u> <u>0</u> <u>0</u>	

Comments: N

Company Contact: JIM, HITZEROTH

Title: D

Phone: 6308945001

**WEAVER**  
**BOOS**  
**CONSULTANTS**

February 8, 2013  
Project No. 0120-49-10

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

**Re: Annual Hazardous Waste Report - 2012**  
**BFI, Davis Junction Landfill - Phase I**  
**Davis Junction, Illinois**  
**USEPA No. ILD980700751**  
**IEPA No. 1418210001**

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC., Weaver Boos Consultants North Central, LLC submits an electronic and paper copy of the facility's 2012 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2012 was classified as non-hazardous pursuant to the above delisting petition. Therefore, only an Identification and Certification Form and Signature Form have been included with this report. Additionally, no fee has been included due to this change in RCRA generator status pursuant my discussion with you on January 24, 2013.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Boos Consultants North Central, LLC



Bridget M. Conlon  
Project Environmental Specialist

Enclosures

cc: Jim Hitzeroth, BFI Waste Systems of North America, LLC (w/ encl)

---

Weaver Boos Consultants North Central, LLC  
35 East Wacker Dr. • Suite 1250 • Chicago, Illinois 60601  
Phone: (312) 922-1030 • Fax: (312) 922-0201 • www.weaverboos.com

**RECEIVED**

FEB 13

**IEPA/BOL/WR02**

**Certification to be submitted with electronic data submissions**

Please remember to submit the \$500 fee along with this certification and the electronic files. Please do not submit printed reports.

For Agency Use Only:  
 Fee Enclosed  No Fee Enclosed

Company USEPA ID number: ILD980700751

Company IEPA ID number: 1418210001

Annual Hazardous Waste Report 2013  
Electronic data submission for year:

Form types on the electronic data submission and number of pages for each type:

- Form IC: 1 Pages
- Form GM: 0 Pages
- Form TI: 0 Pages
- Form WR: 0 Pages (Receiving facilities only)

- The enclosed data files has passed the edits contained in the software.
- The enclosed data file did not pass the edits contained in the software. explanations are included in enclosed comments pages.

**COST ESTIMATES FOR FACILITIES. interim status and permitted**

A. Closure cost estimate: \$            ,            ,            .           

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only):

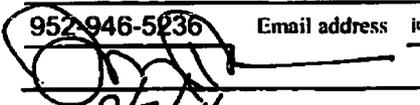
\$            , 146 , 008 . 00

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

**Certification:**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached electronic data submission. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

**Please print/type:**

- A. Last name Doyen First Name John
- B. Title Area President
- C. Telephone 952-946-5236 Email address jdoyen@republicservices.com
- D. Signature 
- E. Date of signature 2/7/14

The Environmental Protection Agency is authorized to require this information under the Illinois Compiled Statutes (>ILCS@). 1994 as amended, Chapter 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in civil and criminal penalties pursuant to 415 ILCS 5/42 and 44. This form has been approved by the Forms Management Center.

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

DEC 23 2014

REVIEWER: EMI

*copy of file*

\*Validated\*

**ILLINOIS Environmental Protection Agency  
2013 Hazardous Waste Report  
Form IC -- Identification and Certification**

US. EPA ID: **ILD980700751** IL. EPA ID: **1418210001**

**HAZARDOUS WASTE**

RCRA Generator Status: <u>4</u>	<input type="checkbox"/> Transporter of Hazardous Waste <input type="checkbox"/> Transfer Facility (at your site) <input type="checkbox"/> Treater, Storer, or Disposer of Hazardous Waste <input type="checkbox"/> Recycler of Hazardous Waste (at your site) Exempt Boiler and/or Industrial Furnace: <input type="checkbox"/> Small Quantity On-Site Burner exemption <input type="checkbox"/> Smelting, Melting Refining Furnace exemption <input type="checkbox"/> Underground Injection Control
Generator Activities <input type="checkbox"/> United States Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste(hazardous&radioactive) Generator	Used Oil Activities <input type="checkbox"/> Used Oil Transporter <input type="checkbox"/> Used Oil Transfer Facility <input type="checkbox"/> Used Oil Processor <input type="checkbox"/> Used Oil Re-refiner <input type="checkbox"/> Off-Specification Used Oil Burner <input type="checkbox"/> Marketer Who Directs Off-Spec Oil to Burner <input type="checkbox"/> Marketer Who Claims Oil Meets Spec.
Universal Waste Activities <input type="checkbox"/> Large Quantity Handler (5000 kg) Managed Batteries _____ Pesticides _____ Mercury Containing Equipment _____ Lamps _____ <input type="checkbox"/> Destination Facility for Universal Waste	NAICS Code(s) for this Location <u>562211</u> <u>0</u> <u>0</u> Site Land Type: <u>1</u> Owner Type: <u>1</u> Owner Start Date: <u>02/27/1975</u> Operator Type: <u>1</u> Operator Start Date: <u>02/27/1975</u>

Comments: N

Company Contact: JIM, HITZEROTH

Title: D

Phone: 6308945001

**WEAVER**  
**BOOS**  
**CONSULTANTS**

February 12, 2014  
Project No. 0120-49-10

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

**Re: Annual Hazardous Waste Report - 2013**  
**BFI, Davis Junction Landfill - Phase I**  
**Davis Junction, Illinois**  
**USEPA No. ILD980700751**  
**IEPA No. 1418210001**

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC., Weaver Boos Consultants submits an electronic and paper copy of the facility's 2013 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2013 was classified as non-hazardous pursuant to the above delisting petition. Therefore, only an Identification and Certification Form and Signature Form have been included with this report. Additionally, no fee has been included due to this change in RCRA generator status.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
**Weaver Boos Consultants North Central, LLC**

*Bridget M. Conlon*

**Bridget M. Conlon**  
**Project Environmental Specialist**

Enclosures

cc: **Jim Hitzeroth, BFI Waste Systems of North America, LLC (w/ encl)**

US EPA Number: IL 0980700751  
IEPA Number: 1418210001

Company Name: BFI WASTE SYSTEMS OF NORTH AMERICA, LLC  
Address: 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

ILLINOIS Environmental Protection Agency  
2014 Hazardous Waste Report  
Form IC - Identification and Certification

For IEPA (Agency) Use Only  
Fee Enclosed *None* No Fee Enclosed

All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**  
**4 RCRA Generator Status as of 3-1-2015**  
1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)  
2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste  
3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste  
4 = Nongenerator  
IF your site is no longer a LQG, but was a LQG during calendar year 2014, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE  
Other Generator Activities: Enter Y (yes) or N (no)  
N United States Importer of Hazardous Waste  
N Mixed Waste (hazardous & radioactive) Generator

All other hazardous waste activities: Enter Y or N  
N Transporter of Hazardous Waste  
N Transfer Facility (at your site) 40 CFR 261.12  
N Treater, Storer, or Disposer of Hazardous Waste (at your site)  
Note: A hazardous waste permit is required for this activity.  
N Recycler of Hazardous Waste (at your site)  
Note: A hazardous waste permit may be required for this activity.  
Exempt Boiler and/or Industrial Furnace:  
N Small Quantity On-Site Burner Exemption  
N Smelting, Melting, Refining Furnace Exemption  
N Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N**  
Large Quantity Handler (5,000 kg) of Universal Waste. Mark the following types only if Yes.  
     Batteries  
     Pesticides  
     Mercury Containing Equipment  
     Lamps  
N Destination Facility for Universal Waste.  
Note: A hazardous waste permit may be required for this activity.

**Section 3. Used Oil ACTIVITIES: Enter Y OR N**  
N Used Oil Transporter  
N Used Oil Transfer Facility  
N Used Oil Processor  
N Used Oil Re-refiner  
N Off-Specification Used Oil Burner  
N Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner  
N Marketer who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 6 digit 2013 NAICS CODE(S) FOR THIS LOCATION**  
562211

**Section 5. TYPES:**  
Site Land Type (Enter code from list in instructions):     1      
Owner Type (Enter code from list in instructions):     1      
Date current owner Became Owner (mm/dd/yyyy): 02 / 27 / 1975  
Operator Type (Enter code from list in instructions):     1      
Date current operator Became Operator (mm/dd/yyyy): 02 / 27 / 1975

**Section 6. Comments:** N Enter Y (Yes) if you have comments regarding this page and attach extra sheet.  
**COST ESTIMATES FOR TSD FACILITIES, interim status and permitted**  
A. Closure cost estimate: \$                       
B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 818,212.00

**Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

**Certification:** I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Schuck First Name Erik B. Title Area President  
C. Signature [Signature] D. Date of Signature 2/3/15

Name, Telephone number, and email of person to contact if there are questions about this report:  
James Hiltzeroth, 630.894.5001, JHiltzeroth@republicservices.com

This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44).  
Page 13 00001 of     

*Copy of PFA*

REPUBLIC SERVICES

FEB 26 2015

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February 25, 2015

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2014  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC, Weaver Consultants Group submits the facility's 2014 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2014 was classified as non-hazardous pursuant to the above delisting petition. Therefore, only an Identification and Certification Form has been included with this report. Additionally, no fee has been included due to this change in RCRA generator status.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Consultants Group, North Central, LLC

A handwritten signature in cursive script that reads 'Bridget M. Conlon'.

Bridget M. Conlon  
Project Environmental Specialist

Enclosures: IC Form

cc: Jim Hitzerth, BFI Waste Systems of North America, LLC

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J:\USERS\0120 - ALLIED\0120-049 - DAVIS JUNCTION\0120-49-30 - O & M\HAZ WASTE REPORT\2014 HAZ WASTE REPORT\WCG COVER LETTER.DOCX





February 25, 2015

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2014  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001

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Bridget M. Conlon  
Project Environmental Specialist

Enclosures: IC Form

cc: Jim Hitzerth, BFI Waste Systems of North America, LLC

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J:\USERS\0120 - ALLIED\0120-049 - DAVIS JUNCTION\0120-49-30 - O & M\HAZ WASTE REPORT\2014 HAZ WASTE REPORT\WCG COVER LETTER.DOCX

US EPA Number: IL D980700751

IEPA Number: 1418210001

Company Name: BFI WASTE SYSTEMS OF NORTH AMERICA LLC

Address : 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

**ILLINOIS Environmental Protection Agency  
2015 Hazardous Waste Report  
Form IC - Identification and Certification**

For EPA (Agency) Use Only:

Fee Enclosed  No Fee Enclosed

All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**  
**4 RCRA Generator Status** as of 3-1-2016

1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)  
 2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste  
 3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste  
 4 = Nongenerator

IF your site is no longer a LQG, but was a LQG during calendar year 2015, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE

**Other Generator Activities: Enter Y (yes) or N (no)**  
 United States Importer of Hazardous Waste  
 Mixed Waste (hazardous & radioactive) Generator

**All other hazardous waste activities: Enter Y or N**  
 Transporter of Hazardous Waste  
 Transfer Facility (at your site) 40 CFR263.12  
 Treater, Storer, or Disposer of Hazardous Waste (at your site)  
 Note: A hazardous waste permit is required for this activity.  
 Recycler of Hazardous Waste (at your site)  
 Note: A hazardous waste permit may be required for this activity.  
**Exempt Boiler and/or Industrial Furnace:**  
 Small Quantity On-Site Burner Exemption  
 Smelting, Melting, Refining Furnace Exemption  
 Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N**  
 Large Quantity Handler (5,000 kg) of Universal Waste. Mark the  following types only if Yes.

Batteries  
 Pesticides  
 Mercury Containing Equipment  
 Lamps

Destination Facility for Universal Waste.  
 Note: A hazardous waste permit may be required for this activity.

**Section 3. Used Oil ACTIVITIES: Enter Y OR N**  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner  
 Marketer who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 6 digit 2013 NAICS CODE(S) FOR THIS LOCATION**  
562211

**Section 5. TYPES:**  
 Site Land Type (Enter code from list in instructions): 1  
 Owner Type (Enter code from list in instructions): 1  
 Date current owner Became Owner (mm/dd/yyyy): 02 / 27 / 1975  
 Operator Type (Enter code from list in instructions): 1  
 Date current operator Became Operator (mm/dd/yyyy): 02 / 27 / 1975

**Section 6. Comments:**  Enter Y (Yes) if you have comments regarding this page and attach extra sheet.  
**COST ESTIMATES FOR TSD FACILITIES, interim status and permitted**  
 A. Closure cost estimate: \$ \_\_\_\_\_  
 B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 729,514.00

**Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Merman First Name Jevon B. Title Area President  
 C. Signature  D. Date of Signature 3/2/16

Name, Telephone number, and email of person to contact if there are questions about this report:  
JAMES HITZEROTH, 630.894.5001, jhitzeroth@republicservices.com

This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44). Page 13 00001 of 00001

Copy & Fax



March 1, 2016

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2015  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC, Weaver Consultants Group submits the facility's 2015 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

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Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Consultants Group, North Central, LLC

A handwritten signature in cursive script that reads 'Bridget M. Conlon'.

Bridget M. Conlon  
Project Environmental Specialist

Enclosures: IC Form

cc: Jim Hitzeroth, BFI Waste Systems of North America, LLC

**RECEIVED**

MAR 02 2016

IEPA-BOL

PERMIT SECTION

J:\USERS\0120 - ALLIED\0120-049 - DAVIS JUNCTION\0120-49-30 - O & M\HAZ WASTE REPORT\2015 HAZ WASTE REPORT\DRAFTS.CRIE.MAR.02.2016.LITTER.DESIGN.DOC

US EPA Number: ILD980700751

IEPA Number: 1418210001

Company Name: BFI WASTE SYSTEMS OF NORTH AMERICA, LLC

Address: 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form IC - Identification and Certification

For EPA (Agency) Use Only  
Fee Enclosed No Fee Enclosed

All information on this page is required.

<p><b>Section 1. HAZARDOUS WASTE ACTIVITIES</b></p> <p><u>4</u> RCRA Generator Status as of 3-1-2017</p> <p>1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)</p> <p>2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste</p> <p>3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste</p> <p>4 = Nongenerator</p> <p>IF your site is no longer a LQG, but was a LQG during calendar year 2016, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE</p> <p>Other Generator Activities: Enter Y (yes) or N (no)</p> <p><u>N</u> United States Importer of Hazardous Waste</p> <p><u>N</u> Mixed Waste (hazardous &amp; radioactive) Generator</p>	<p>All other hazardous waste activities: Enter Y or N</p> <p><u>N</u> Transporter of Hazardous Waste</p> <p><u>N</u> Transfer Facility (at your site) 40 CFR263.12</p> <p><u>N</u> Treater, Storer, or Disposer of Hazardous Waste (at your site) Note: A hazardous waste permit is required for this activity.</p> <p><u>N</u> Recycler of Hazardous Waste (at your site) Note: A hazardous waste permit may be required for this activity.</p> <p>Exempt Boiler and/or Industrial Furnace:</p> <p><u>N</u> Small Quantity On-Site Burner Exemption</p> <p><u>N</u> Smelting, Melting, Refining Furnace Exemption</p> <p><u>N</u> Underground Injection Control</p>
<p><b>Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N</b></p> <p>Large Quantity Handler (5,000 kg) of Universal Waste. Mark the following types only if Yes.</p> <p><u>N</u> Batteries</p> <p><u>    </u> Pesticides</p> <p><u>    </u> Mercury Containing Equipment</p> <p><u>    </u> Lamps</p> <p><u>N</u> Destination Facility for Universal Waste.</p> <p>Note: A hazardous waste permit may be required for this activity.</p>	<p><b>Section 3. Used Oil ACTIVITIES: Enter Y OR N</b></p> <p><u>N</u> Used Oil Transporter</p> <p><u>N</u> Used Oil Transfer Facility</p> <p><u>N</u> Used Oil Processor</p> <p><u>N</u> Used Oil Re-refiner</p> <p><u>N</u> Off-Specification Used Oil Burner</p> <p><u>N</u> Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner</p> <p><u>N</u> Marketer who First Claims the Used Oil Meets the Specifications</p>
<p><b>Section 4. ENTER THE 6 digit 2013 NAICS CODES(S) FOR THIS LOCATION</b></p> <p><u>582211</u></p>	
<p><b>Section 5. TYPES:</b></p> <p>Site Land Type (Enter code from list in instructions): <u>1</u></p> <p>Owner Type (Enter code from list in instructions): <u>1</u></p> <p>Date current owner Became Owner (mm/dd/yyyy): <u>02</u> / <u>27</u> / <u>1975</u></p> <p>Operator Type (Enter code from list in instructions): <u>1</u></p> <p>Date current operator Became Operator (mm/dd/yyyy): <u>02</u> / <u>27</u> / <u>1975</u></p>	
<p><b>Section 6. Comments:</b> <u>N</u> Enter Y (Yes) if you have comments regarding this page and attach extra sheet</p> <p><b>COST ESTIMATES FOR TSD FACILITIES, Interim status and permitted</b></p> <p>A. Closure cost estimate: \$ _____</p> <p>B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ <u>640,315.00</u></p>	
<p><b>Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))</b></p> <p>Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.</p> <p>A. Please print: Last Name <u>Herman</u> First Name <u>Jevon</u> B. Title <u>Area President</u></p> <p>C. Signature <u>[Signature]</u> D. Date of Signature <u>2/17/17</u></p> <p>Name, Telephone number, and email of person to contact if there are questions about this report: <u>James Hitzeroth, 630-894-5004, jhitzeroth@republicservices.com</u></p> <p>This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44).</p> <p style="text-align: right;">Page 13 00001 of 00001</p>	

Review X

EPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

JAN 23 2018

REVIEWER JRM

US EPA Number: 110980700751  
IEPA Number: 1418210001  
Company name: RFT Waste Systems of North America, LLC  
Address: 8902 N. Route 251 Davis Junction, IL 61020

ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form GM - Generation and Management

Instructions for this form found on pages 16-21. (Same UOM and density must be used for all quantities on this page).

SECTION 1. WASTE DESCRIPTION

A. Waste Description: Landfill leachate  
B. EPA Hazardous Waste Code: F039  
C. Source Code: G26 When Source Code is G25, enter Management Method producing residuals: H  
D. Form code: W101 E. Waste Minimization Code: X

SECTION 2. QUANTITY GENERATED [DENSITY MUST BE ENTERED FOR ALL WASTE STREAMS!]

All generation that counts towards your generation totals must be included on a Form GM, regardless of where or how managed.

A. UOM: l Density 08.34 lb/gal {Density of water is 08.34, most wastes are between 6 and 15}  
B. Quantity generated in current reporting year: 000016900.0

SECTION 3. QUANTITY MANAGED ON-SITE: Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.

N Y = Yes (continue to system 1) N = No (skip to section 4.)

On-Site System 1: Management Method H Quantity managed on-site this year: \_\_\_\_\_  
On-Site System 2: Management Method H Quantity managed on-site this year: \_\_\_\_\_

SECTION 4. OFF-SITE SHIPMENT - Refer to page 29 for common errors on facilities & management methods.

A. Was any of this waste shipped off site this reporting year? Y Y = Yes (Continue to Site 1) N = No

SITE 1. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: IL0010284248  
C. Management method shipped to: H135  
D. Total quantity shipped in this reporting year: 000016900.0

SITE 2. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 3. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 4. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 5. Name and address of off-site facility:

B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

COMMENTS: \_\_\_ Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

*2016*

US EPA Number: LL 0980700751  
IEPA Number: 1418210001  
Company name: BFI Waste Systems of North America, LLC  
Address: 8902 N. Route 251 Davis Junction, IL 61020

**ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form TI - Transporter Identification**

Instructions for this form found on page 21. **PLEASE NOTE that only the four-digit hauling permit number is valid for hazardous waste transporters picking up or delivering to an Illinois location.**

1. U.S. EPA ID No. WI0000815381 Hauling Permit No. 3426  
Transporter Name, Address, and Telephone Number: Advanced Waste Carriers, Inc.  
1126 S. 70th Street, Suite N408B  
West Allis, WI 53214

2. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

3. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

4. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

5. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

7. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

8. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
Transporter Name, Address, and Telephone Number:

COMMENTS: Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page \_\_\_\_\_  
223 13



May 22, 2017

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Addendum to Annual Hazardous Waste Report - 2016  
BFI Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No.: ILD980700751  
IEPA Number: 1418210001  
Project No.: 0120-049-01-17

**RECEIVED**

MAY 26 2017

**IEPA/BOL/WRCS**

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC, (BFI) Weaver Consultants Group North Central, LLC (WCG) is herein submitting amended information pertaining to the above referenced report. This information is being submitted in response to your email to Mr. Jim Hitzeroth dated May 11, 2017.

A petition to delist the only waste regularly generated from the hazardous waste unit at the Davis Junction Landfill (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). Once the landfill leachate is loaded into tanker trucks for transport offsite, and as long as the leachate is transported safely to an approved treatment facility, it is considered nonhazardous waste.

The above referenced report (a copy of which is attached) indicated that this facility is a nongenerator because we originally believed that all of the leachate shipped offsite for disposal in 2016 was shipped as delisted hazardous waste. Therefore, our original submittal only included Form IC and no payment was included.

In response to your email to Mr. Jim Hitzeroth dated May 11, 2017 concerning the above referenced report, we have confirmed with CID Processing that a quantity of hazardous waste leachate was shipped and received from the Davis Junction facility in March-April 2016. Upon receipt of your email, we discovered that two waste profiles were established for leachate from the Davis Junction Phase I facility. One was for delisted hazardous waste, and the other was for hazardous waste. We originally thought

J:\PROJECTS\0100-0199\0120\49\01\ANNUAL REPORTS\2016\PH I\ADDENDUM 5-22-2017.DOCX

Ms. Hope Wright

May 22, 2017

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that all of the Phase I leachate shipped in 2016 was under the profile for the delisted hazardous waste, but were recently informed by CID that the profile for the delisted hazardous waste expired 2/28/2016, so the leachate shipped in March and April 2016 was shipped and disposed under the hazardous waste leachate profile.

Because wastes shipped since April 2016 to date have been shipped under a nonhazardous waste profile, as of 3-1-2017, the Davis Junction facility is considered a nongenerator. Therefore, we do not believe there is a need to modify the originally submitted Form IC. However, because some quantity of hazardous waste was shipped from the Davis Junction Phase I facility in 2016, additional documentation is required to be submitted with the Form IC. Consequently, we have enclosed the following:

ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form GM – Generation and Management; and

ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form TI – Transporter Identification

Additionally, as this facility was considered a large quantity generator (LQG) for a portion of 2016, we are enclosing a check for \$500 to cover the Annual Hazardous Waste Fee for 2016.

We trust that the enclosed is sufficient for your current needs. Feel free to contact the undersigned or Mr. Jim Hitzeroth of BFI at 630-894-5001 or [jhitzeroth@republicservices.com](mailto:jhitzeroth@republicservices.com) if you have any questions concerning this amended Hazardous Waste Report for 2016.

Sincerely,

Weaver Consultants Group North Central, LLC



Michael B. Maxwell, LPG  
Project Director

Cc: Mr. Jim Hitzeroth (w/ encl.)

Attachments: Annual Hazardous Waste Report – 2016, dated February 14, 2017  
Check #114279 for \$500  
Form GM and Form TI



February 14, 2017

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2016  
BFI, Davis Junction Landfill - Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001

EPA-CERCLA/PCPCRA MANAGEMENT  
RELEASES

JAN 23 2018

REVIEWER JRM

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC, Weaver Consultants Group submits the facility's 2016 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2016 was classified as non-hazardous pursuant to the above delisting petition. Therefore, only an Identification and Certification Form has been included with this report. Additionally, no fee has been included due to this change in RCRA generator status.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Consultants Group, North Central, LLC

Bridget M. Conlon  
Project Environmental Specialist

Enclosures: IC Form

cc: Jim Hitzeroth, BFI Waste Systems of North America, LLC

RECEIVED

MAY 26 2017

IEPA/ROL/WRCS

US EPA Number: ILD980700751

IEPA Number: 1418210001

Company Name: BFI WASTE SYSTEMS OF NORTH AMERICA, LLC

Address : 8902 N ROUTE 251, DAVIS JUNCTION, IL 61020

**ILLINOIS Environmental Protection Agency  
2016 Hazardous Waste Report  
Form IC - Identification and Certification**

For IEPA (Agency) Use Only:  
Fee Enclosed  No Fee Enclosed

All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**

4 RCRA Generator Status as of 3-1-2017

1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)  
 2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste  
 3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste  
 4 = Nongenerator

IF your site is no longer a LQG, but was a LQG during calendar year 2016, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE

Other Generator Activities: Enter Y (yes) or N (no)  
 United States Importer of Hazardous Waste  
 Mixed Waste (hazardous & radioactive) Generator

All other hazardous waste activities: Enter Y or N

Transporter of Hazardous Waste  
 Transfer Facility (at your site) 40 CFR263.12  
 Treater, Storer, or Disposer of Hazardous Waste (at your site)  
 Note: A hazardous waste permit is required for this activity.  
 Recycler of Hazardous Waste (at your site)  
 Note: A hazardous waste permit may be required for this activity.  
 Exempt Boiler and/or Industrial Furnace:  
 Small Quantity On-Site Burner Exemption  
 Smelting, Melting, Refining Furnace Exemption  
 Underground Injection Control

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N**

Large Quantity Handler (5,000 kg) of Universal Waste. Mark the following types only if Yes.

Batteries  
 Pesticides  
 Mercury Containing Equipment  
 Lamps

Destination Facility for Universal Waste.  
 Note: A hazardous waste permit may be required for this activity.

**Section 3. Used Oil ACTIVITIES: Enter Y OR N**

Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner  
 Marketer who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 6 digit 2013 NAICS CODE(S) FOR THIS LOCATION**

562211

**Section 5. TYPES:**

Site Land Type (Enter code from list in instructions): 1  
 Owner Type (Enter code from list in instructions): 1  
 Date current owner Became Owner (mm/dd/yyyy): 02 / 27 / 1975  
 Operator Type (Enter code from list in instructions): 1  
 Date current operator Became Operator (mm/dd/yyyy): 02 / 27 / 1975

**Section 6. Comments:**  Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

**COST ESTIMATES FOR TSD FACILITIES, interim status and permitted**

A. Closure cost estimate: \$ \_\_\_\_\_  
 B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 640,315.00

**Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Herman First Name Jevon B. Title Area President  
C. Signature [Signature] D. Date of Signature 2/17/17

Name, Telephone number, and email of person to contact if there are questions about this report:  
James Hitzeroth, 630-894-5004, jhitzeroth@republicservices.com

This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44).  
Page 13 00001 of 00001

Copy of PA



February 14, 2017

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2016  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, Illinois  
USEPA No. ILD980700751  
IEPA No. 1418210001

Dear Ms. Wright:

On behalf of BFI Waste Systems of North America, LLC, Weaver Consultants Group submits the facility's 2016 Annual Hazardous Waste Report. A petition to delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the delisting approval in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to the approved treatment facility, it is considered a nonhazardous waste.

Each load of leachate removed and hauled from the site in 2016 was classified as non-hazardous pursuant to the above delisting petition. Therefore, only an Identification and Certification Form has been included with this report. Additionally, no fee has been included due to this change in RCRA generator status.

Please review the enclosed package and call with any questions, comments, or concerns.

Sincerely,  
Weaver Consultants Group, North Central, LLC

A handwritten signature in black ink that reads 'Bridget M. Conlon'.

Bridget M. Conlon  
Project Environmental Specialist

EPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

JAN 23 2018

Enclosures: IC Form

cc: Jim Hitzeroth, BFI Waste Systems of North America, LLC

REVIEWER JRM

\\USERS\0120-ALLIED\0120-049 - DAVIS JUNCTION\0120-49-30 - O & M\HAZ WASTE REPORT\2016 HAZ WASTE REPORT\WCG COVER LETTER.DOCX

1418210001

OMB# 2050-0024; Expires 05/31/2020

<b>United States Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>	
---	---

**1. Reason for Submittal (Select only one.)**

<input type="checkbox"/>	Obtaining or updating an EPA ID number for an on-going regulated activity that will continue for a period of time. (Includes HSM activity)
<input checked="" type="checkbox"/>	Submitting as a component of the Hazardous Waste Report for <u>2017</u> (Reporting Year)
<input checked="" type="checkbox"/>	Site was a TSD facility and/or generator of $\geq 1,000$ kg of non-acute hazardous waste, $> 1$ kg of acute hazardous waste, or $> 100$ kg of acute hazardous waste spill cleanup in one or more months of the reporting year (or State equivalent LQG regulations)
<input type="checkbox"/>	Notifying that regulated activity is no longer occurring at this Site
<input type="checkbox"/>	Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities
<input type="checkbox"/>	Submitting a new or revised Part A Form

**2. Site EPA ID Number**

I	L	D	9	8	0	7	0	0	7	5	1
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**3. Site Name**

BFI Davis Junction Landfill Phase I
-------------------------------------

**4. Site Location Address**

Street Address	8902 N. Rte. 251		
City, Town, or Village	Davis Junction	County	Ogle
State	IL	Country	USA
		Zip Code	61020

**5. Site Mailing Address**

Same as Location Address

Street Address	26 W580 Shcick Rd.		
City, Town, or Village	Hanover Park		
State	IL	Country	USA
		Zip Code	60133

**6. Site Land Type**

<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Tribal	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
---	---------------------------------	-----------------------------------	----------------------------------	---------------------------------	------------------------------------	--------------------------------	--------------------------------

**7. North American Industry Classification System (NAICS) Code(s) for the Site (at least 5-digit codes)**

A. (Primary)	562212
B.	C.
D.	

EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 05/31/2020

8. Site Contact Information

Same as Location Address

First Name	James	MI	Last Name	Hitzeroth
Title	Environmental Manager			
Street Address	26 W580 Schick Rd.			
City, Town, or Village	Hanover Park			
State	IL	Country	USA	Zip Code
				224-970-1129
Email	JHitzeroth@republicservices.com			
Phone	224-970-1129	Ext		Fax

9. Legal Owner and Operator of the Site

A. Name of Site's Legal Owner

Same as Location Address

Full Name	BFI Waste Systems of North America		Date Became Owner (mm/dd/yyyy)	2/27/1975
Owner Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other			
Street Address	8902 N. Rte. 251			
City, Town, or Village	Davis Junction			
State	IL	Country	USA	Zip Code
				61020
Email	JHitzeroth@republicservices.com			
Phone	224-970-1129	Ext		Fax
Comments				

B. Name of Site's Legal Operator

Same as Location Address

Full Name	BFI Waste Systems of North America		Date Became Operator (mm/dd/yyyy)	2/27/1975
Operator Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other			
Street Address	8902 N. Rte. 251			
City, Town, or Village	Davis Junction			
State	IL	Country	USA	Zip Code
				61020
Email	JHitzeroth@republicservices.com			
Phone	224-970-1129	Ext		Fax
Comments				

EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 05/31/2020

**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>1. Generator of Hazardous Waste</b> —if "Yes", mark only one of the following—a, b, c	
<input checked="" type="checkbox"/>	<b>a. LQG</b>	-Generates, in any calendar month (includes quantities imported by importer site) 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste; or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>b. SQG</b>	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>c. VSQG</b>	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Short-Term Generator</b> (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section. <i>Note: If "Yes", you MUST indicate that you are a Generator of Hazardous Waste in Item 10.A.1 above.</i>	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>3. Treater, Storer or Disposer of Hazardous Waste</b> —Note: Part B of a hazardous waste permit is required for these activities.	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Receives Hazardous Waste from Off-site</b>	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Recycler of Hazardous Waste</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<b>a. Recycler who stores prior to recycling</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>b. Recycler who does not store prior to recycling</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>6. Exempt Boiler and/or Industrial Furnace</b> —If "Yes", mark all that apply.	
<input type="checkbox"/>	<input type="checkbox"/>	<b>a. Small Quantity On-site Burner Exemption</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>b. Smelting, Melting, and Refining Furnace Exemption</b>

**B. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.

F039						

**C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes.** Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.


EPA ID Number 

I	L	D	9	8	0	7	0	0	7	5	1
---	---	---	---	---	---	---	---	---	---	---	---

OMB# 2050-0024; Expires 05/31/2020

**11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**

**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Transporter of Hazardous Waste</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Underground Injection Control</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. United States Importer of Hazardous Waste</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Recognized Trader</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

**B. Universal Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If “Yes” mark all that apply. Note: Refer to your State regulations to determine what is regulated.</b>
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Other (specify) _____
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Destination Facility for Universal Waste</b> Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Used Oil Transporter</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Used Oil Processor and/or Re-refiner</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. Off-Specification Used Oil Burner</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Used Oil Fuel Marketer</b> —If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**D. Pharmaceutical Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals—if "Yes", mark only one. Note: See the item-by-item instructions for definitions of healthcare facility and reverse distributor.
<input type="checkbox"/>	a. Healthcare Facility
<input type="checkbox"/>	b. Reverse Distributor
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Withdrawing from operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals. Note: You may only withdraw if you are a healthcare facility that is no longer an LQG or SQG.

**12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories— If "Yes", mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

**13. Episodic Generation**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If "Yes", you must fill out the Addendum for Episodic Generator?
--	---

**14. LQG Consolidation of VSQG Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If "Yes", you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
--	--

**15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) or <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 05/31/2020

**16. Notification of Hazardous Secondary Material (HSM) Activity**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
--	---

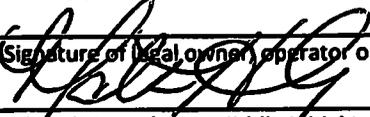
**17. Electronic Manifest Broker**

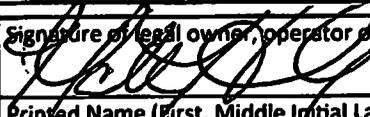
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
--	--

**18. Comments (include item number for each comment)**

The only hazardous waste regularly produced by the closed landfill facility is landfill leachate. According to Adjusted Standard AS 08-5, as long as the leachate reaches a properly permitted (off-site) treatment facility without incident, it is considered non-hazardous for disposal purposes. Each load transported in 2017 was received without incident and is therefore considered non-hazardous, meaning none of the leachate was transported off-site as hazardous in 2017. Pursuant to recent communications with Illinois EPA, the leachate is temporarily considered hazardous while it accumulates in an on-site tank and therefore, the permittee has declared as a large quantity generator.

**19. Certification** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. **Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).**

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 03/05/2020
Printed Name (First, Middle Initial Last) Matthew Healy	Title Vice President
Email MHealy@republicservices.com	

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 03/05/2020
Printed Name (First, Middle Initial Last) Matthew Healy	Title Vice President
Email MHealy@republicservices.com	

EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 05/31/2020

<p><b>United States Environmental Protection Agency</b>  <b>HAZARDOUS WASTE REPORT 2017</b> (reporting cycle)  <b>WASTE GENERATION AND MANAGEMENT (GM) FORM</b></p>	
---	---

**1. Waste Characteristics**

<b>A. Waste Description</b> Landfill leachate					
<b>B. EPA Hazardous Waste Code(s)</b>		F039			
<b>C. State Hazardous Waste Code(s)</b>					
<b>D. Source Code</b> G26	<b>Management Method (G25)</b>		<b>Country Code (G62)</b>		
<b>E. Form Code</b> W101	<b>F. Waste Minimization Code</b> X		<b>G. Radioactive Mixed</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
<b>H. Quantity</b> 100,000	<b>UOM</b> G	<b>Density</b>	8.34	<input checked="" type="checkbox"/> lbs/gal <input type="checkbox"/> sg	

**2. On-site Generation and Management of Hazardous Waste**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Was any of this waste that was generated at this facility treated, disposed, and/or recycled on-site? If yes, continue to On-site Process System 1.		
<b>Process System 1</b>	<b>Management Method Code</b> H135	<b>Quantity</b>	100,000 gal
<b>Process System 2</b>	<b>Management Method Code</b>	<b>Quantity</b>	

**3. Off-site Shipment of Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Was any of this waste that was generated at this facility shipped off-site for treatment, disposal, or recycling?		
<b>Site 1</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
See Comments			
<b>Site 2</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
<b>Site 3</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	

**4. Comments**

Per AS 08-5, when the leachate safely reaches a properly permitted treatment facility, its not considered haz waste. All loads safely reached the treatment facility in 2017. Pursuant to recent communications with Illinois EPA, the permittee has declared as a LQG because the leacahte is temporarily considered a haz waste as it accumulates in the tank (<90 days). The 100,000 gal managed "on-site" as indicated in this report intended to apply to the above AS taking effect upon the safe receipt of the leachate at a properly permitted (offsite) POTW. The leacahte was not treated, disposed, or recycled on-site.

Check # 118116

R 000160



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

March 16, 2020

Weaver Consultants Group  
North Central, LLC - Remitter.  
\$500.00  
ILO 980700751  
fee for 2017 year

Mr. James Jennings  
Manager, Waste Reduction and Compliance Section  
Illinois EPA  
1021 North Grand Ave. East  
Springfield, IL 62794

Re: Compliance Commitment Agreement  
Violation Notice: L-2019-00253  
LPC #1418210001 - Ogle Co.  
Davis Junction/BFI, Davis Junction

**RECEIVED**

APR 02 2020

**IEPA/BOL**

Dear Mr. Jennings,

The following information is being submitted in compliance with Item III.5.c contained in the above referenced Compliance Commitment Agreement (CCA) executed by the Illinois EPA on January 30, 2020.

As required by Item III.c in the above CCA, enclosed, please find three copies of the revised Hazardous Waste Annual Report for Calendar Year 2017. Specifically, the EPA Form 8700-12, 8700-13A/B (OMB# 2020-0024; Expires 05/31/2020) is enclosed (original signature). This form declares the facility as a large quantity generator (LQG).

As explained in the Comments contained in the attached forms, the only waste regularly produced at the closed landfill facility is landfill leachate. The Delisting Petition approved in 2008 by Adjusted Standard AS 08-5 stipulates that the landfill leachate is considered a non-hazardous waste once it reaches a properly permitted (off-site) wastewater treatment facility. Each load transported in 2017 was received at the treatment facility without incident and was therefore considered non-hazardous for disposal purposes. Pursuant to recent communications with Illinois EPA, the leachate is temporarily considered hazardous while it accumulates (for 90 days or less) in an on-site storage tank and therefore, the permittee has declared as a LQG for 2017.

The enclosed (Standard) RCRA Forms do not necessarily fit well within the (Non-Standard) context of this facility, due to the prior approval of the above Delisting Petition and the conditions for Delisting imposed by the Illinois Pollution Control Board.

As explained in the Comments on the enclosed Waste Generation and Management (GM) Form, the delisting conditions indicate that the leachate is deemed non-hazardous upon the safe arrival at the off-site treatment facility. Although no on-site physical treatment actually



occurs, Section 2 of the GM Form indicates that 100,000 gallons of leachate was treated, disposed, and/or recycled on-site by "Discharge to Sewer/POTW or NPDES" (Management Method Code H135). The on-site management scenario marked on the GM Form is intended to represent the delisting taking effect upon the safe arrival at the off-site treatment facility.

Because each load of leachate was safely received at the treatment facility, none of the leachate was considered hazardous for disposal purposes during the 2017 reporting year and therefore, no off-site shipments of hazardous waste were made in 2017. Consequently, the GM Form indicates that no hazardous waste was shipped off-site (Section 3 to the GM Form). The on-site management scenario (as further explained in the Comments Section at the bottom of the GM Form) was selected as the best representation of how the landfill leachate is managed at this facility, for purposes of completing the GM Form.

A check made out to the Illinois Environmental Protection Agency in the amount of \$500 intended to cover the LQG fees for calendar year 2017 is also enclosed, pursuant to Item III.5.c.ii of the CCA.

If you have any questions concerning this submittal, feel free to contact me at (224) 970-1129 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC



James Hitzeroth

Enclosures: RCRA Subtitle C Site Identification Form - 2017  
Waste Generation and Management (GM) Form - 2017  
Check 118116 in amount of \$500

US EPA Number:

1 | I | L | D | 9 | 8 | 0 | 7 | 0 | 0 | 7 | 5 | 1

IEPA Number:

1 | 4 | 1 | 8 | 2 | 1 | 0 | 0 | 0 | 1

Company Name: BFI Waste Systems of North America, LLC

Address : 8902 N. Route 251, Davis Junction, IL 61020

All information on this page is required.

ILLINOIS Environmental Protection Agency  
2018 Hazardous Waste Report  
Form IC - Identification and Certification

A

For IEPA (Agency) Use Only:

How Fee Enclosed  No Fee Enclosed

Section 1. HAZARDOUS WASTE ACTIVITIES

1 RCRA Generator Status as of 3-1-2019

1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)

2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste

3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste

4 = Nongenerator

IF your site is no longer a LQG, but was a LQG during calendar year 2018, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE

Other Generator Activities: Enter Y (yes) or N (no)

United States Importer of Hazardous Waste

Mixed Waste (hazardous & radioactive) Generator

All other hazardous waste activities: Enter Y or N

Transporter of Hazardous Waste

Transfer Facility (at your site) 40 CFR263.12

Treater, Storer, or Disposer of Hazardous Waste (at your site)

Note: A hazardous waste permit is required for this activity.

Recycler of Hazardous Waste (at your site)

Note: A hazardous waste permit may be required for this activity.

Exempt Boiler and/or Industrial Furnace:

Small Quantity On-Site Burner Exemption

Smelting, Melting, Refining Furnace Exemption

Underground Injection Control

Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N

Large Quantity Handler (5,000 kg) of Universal Waste. Mark the following types only if Yes.

Batteries

Pesticides

Mercury Containing Equipment

Lamps

Destination Facility for Universal Waste.

Note: A hazardous waste permit may be required for this activity.

Section 3. Used Oil ACTIVITIES: Enter Y OR N

Used Oil Transporter

Used Oil Transfer Facility

Used Oil Processor

Used Oil Re-refiner

Off-Specification Used Oil Burner

Marketer who Directs Shipment of Off-Spec

Used oil to Off-spec Used Oil Burner

Marketer who First Claims the Used Oil Meets the Specifications

Section 4. ENTER THE 6 digit 2017 NAICS CODE(S) FOR THIS LOCATION

5 | 3 | 2 | 2 | 1 | 1

Section 5. TYPES:

Site Land Type (Enter code from list in instructions):

1

Owner Type (Enter code from list in instructions):

1

Date current owner Became Owner (mm/dd/yyyy): 02/27/1975

Operator Type (Enter code from list in instructions):

1

Date current operator Became Operator (mm/dd/yyyy): 02/27/1975

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JUN 17 2019

IEPA/BOL

Section 6. Comments:  Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

COST ESTIMATES FOR TSD FACILITIES, interim status and permitted

A. Closure cost estimate: \$ .00

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 484,460.00

Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name, Healy First Name Matthew B. Title Area Vice President

C: Signature [Signature] D. Date of Signature 6-12-19

Name, Telephone number, and email of person to contact if there are questions about this report:

James Hitzeroth, 630-894-5001, JHitzeroth@republicservices.com

This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44).

US EPA Number: 1LD980700751  
IEPA Number: 1418210001  
Company name: RFI Waste Systems of North America, LLC  
Address: 8902 N. Rte. 251 Davis Junction, IL 61070

ILLINOIS Environmental Protection Agency  
2018 Hazardous Waste Report  
Form GM - Generation and Management

Instructions for this form found on pages 16-21. (Same UOM and density must be used for all quantities on this page).

SECTION 1. WASTE DESCRIPTION

A. Waste Description: Landfill leachate (shipped as non-hazardous)  
B. EPA Hazardous Waste Code F039  
C. Source Code: G26 When Source Code is G25, enter Management Method producing residuals: H  
D. Form code: W101 E. Waste Minimization Code X

SECTION 2. QUANTITY GENERATED [DENSITY MUST BE ENTERED FOR ALL WASTE STREAMS!]

All generation that counts towards your generation totals must be included on a Form GM, regardless of where or how managed.  
A. UOM: L Density 0.34 lb/gal (Density of water is 08.34, most wastes are between 6 and 15)  
B. Quantity generated in current reporting year: 100000

SECTION 3. QUANTITY MANAGED ON-SITE: Did this location manage some or all of this waste in RCRA or UIC regulated treatment, recycling, or disposal units at this location? DO NOT include RCRA exempt processes.

N Y = Yes (continue to system 1) N = No (skip to section 4.)

On-Site System 1: Management Method H Quantity managed on-site this year: \_\_\_\_\_  
On-Site System 2: Management Method H Quantity managed on-site this year: \_\_\_\_\_

SECTION 4. OFF-SITE SHIPMENT - Refer to page 29 for common errors on facilities & management methods.

A. Was any of this waste shipped off site this reporting year? Y Y = Yes (Continue to Site 1) N = No

SITE 1. Name and address of off-site facility: Rock River Water Reclamation District 3501 Kishwaukee St. Rockford, IL 61126-7490

B. U.S. EPA ID No. of facility waste was shipped to: 1LD0001-82451  
C. Management method shipped to: H135  
D. Total quantity shipped in this reporting year: 100000

SITE 2. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 3. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 4. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

SITE 5. Name and address of off-site facility:  
B. U.S. EPA ID No. of facility waste was shipped to: \_\_\_\_\_  
C. Management method shipped to: H  
D. Total quantity shipped in this reporting year: \_\_\_\_\_

COMMENTS: Y Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

**Comments**

**ILLINOIS Environmental Protection Agency  
2018 Hazardous Waste Report  
Form GM – Generation and Management**

**No landfill leachate was shipped off-site as a hazardous waste in 2018. In accordance with the Delisting Petition (AS 08-5), each load of landfill leachate safely reached the treatment facility and therefore is considered a non-hazardous waste.**

US EPA Number: ILD980700751  
IEPA Number: 1418210001  
Company name: BFI Waste Systems of North America, LLC  
Address: 8902 N. Route 251 Davis Junction, IL 61020

**ILLINOIS Environmental Protection Agency**  
**2018 Hazardous Waste Report**  
**Form TI - Transporter Identification**

Instructions for this form found on page 21. PLEASE NOTE that only the four-digit hauling permit number is valid for hazardous waste transporters picking up or delivering to an Illinois location.

1. U.S. EPA ID No. WI R000140988 Hauling Permit No. 5363 (855) 438-3548  
<sub>31</sub>  
Transporter Name, Address, and Telephone Number: Elite Environmental Corp.  
360C South Curtis Rd.  
West Allis, WI 53214

2. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>43</sub> <sub>139</sub>  
Transporter Name, Address, and Telephone Number:

3. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>55</sub> <sub>151</sub>  
Transporter Name, Address, and Telephone Number:

4. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>67</sub> <sub>163</sub>  
Transporter Name, Address, and Telephone Number:

5. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>79</sub> <sub>175</sub>  
Transporter Name, Address, and Telephone Number:

6. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>91</sub> <sub>187</sub>  
Transporter Name, Address, and Telephone Number:

7. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>103</sub> <sub>199</sub>  
Transporter Name, Address, and Telephone Number:

8. U.S. EPA ID No. \_\_\_\_\_ Hauling Permit No. \_\_\_\_\_  
<sub>115</sub> <sub>211</sub>  
Transporter Name, Address, and Telephone Number:

COMMENTS: Enter Y(Yes) if you have comments regarding this page; attach extra sheet. Page \_\_\_\_\_  
<sub>223</sub> <sub>13</sub>



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

June 14, 2019

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

Re: Amended Annual Hazardous Waste Report - 2018  
BFI – Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

Dear Ms. Wright,

Enclosed, please find three copies of the above referenced report that is being submitted on behalf of BFI Waste Systems of North America, LLC.

If you have any questions concerning this submittal, feel free to contact me at (630) 894-5001 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC

A handwritten signature in black ink, appearing to read "James Hitzeroth", with a long horizontal flourish extending to the right.

James Hitzeroth

Enclosures

**RECEIVED**  
JUN 17 2019  
IEPA/BOL



June 14, 2019

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

Re: Amended Annual Hazardous Waste Report - 2018  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA No.: 1418210001  
Project No.: 0120-049-01-20

RECEIVED  
JUN 17 2019  
IEPA/BOL

Dear Ms. Wright:

On behalf of permittee, BFI Waste Systems of North America, LLC (BFI), Weaver Consultants Group herein submits the enclosed Amended Annual Hazardous Waste Report for the above referenced facility for 2018. This amended information is intended to supersede the prior submittal of this information dated February 26, 2019.

A Petition to Delist the only waste regularly generated from the hazardous waste unit at the facility (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the approved Delisting in February of 2010. Once the landfill leachate is loaded into a tanker truck for transport offsite, and as long as it is transported safely to an approved treatment facility, it is considered a non-hazardous waste.

Given that each load was safely transported to the treatment facility in 2018, none of the leachate loads hauled from the facility in 2018 were considered hazardous waste for paperwork disposal purposes. Based on our prior communications with Illinois EPA, we were under the belief that the fact that no hazardous waste left the facility was the appropriate threshold for declaring as a Nongenerator on the Hazardous Waste Report Form IC. Accordingly, since the disposal of the leachate under the Delisting Petition was initiated in 2010, each full calendar year that the facility has not hauled any leachate loads

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Ms. Hope Wright

June 14, 2019

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considered hazardous waste for disposal purposes, the facility identified itself as a Nongenerator on this form. Consistent with this historical approach, the original 2018 paperwork filed with a letter dated February 26, 2019 indicated that the facility was a Nongenerator.

However, pursuant to recent communications with Illinois EPA, the permittee is submitting this Amended Annual Hazardous Waste Report to account for leachate while it is temporarily stored in the on-site storage tank. During this brief period, it may be considered a hazardous waste, pursuant to the above Delisting Petition. If the leachate temporarily stored in the tank is considered a hazardous waste for the brief time it is in the tank, then from a strict paperwork standpoint, the facility could be classified as a large quantity generator.

Lastly, please note that the original submission of this information inadvertently indicated that the facility was not a Treater, Storer, or Disposer of Hazardous Waste. Because the facility has maintained a RCRA Landfill Permit for the closed landfill for many years, we acknowledge that this box should have been marked "Y" for yes, rather than "N" for no. The revised Form IC is enclosed, along with Form GM, Form TI, and a check for \$500 made payable to the Illinois Environmental Protection Agency.

Feel free to contact myself or Mr. Jim Hitzeroth of BFI with any questions concerning this information.

Sincerely,

Weaver Consultants Group North Central, LLC



Michael B. Maxwell, CHMM, LPG  
Chicago EPG Operations Manager

Cc: Mr. Jim Hitzeroth, BFI (w/ encl.)  
Ms. Rebecca DeMay, Illinois EPA (w/ encl.)

Enclosure: ILLINOIS Environmental Protection Agency 2018 Hazardous Waste Report Form IC  
ILLINOIS Environmental Protection Agency 2018 Hazardous Waste Report Form GM  
ILLINOIS Environmental Protection Agency 2018 Hazardous Waste Report Form TI  
Check Payable to Illinois Environmental Protection Agency

US EPA Number:

IEPA Number:

Company Name: BFI Waste Systems of North America, LLC

Address : 8902 N. Route 251, Davis Junction, IL 61020

**ILLINOIS Environmental Protection Agency  
2018 Hazardous Waste Report  
Form IC - Identification and Certification**

For IEPA (Agency) Use Only: NOML  
 Fee Enclosed  No Fee Enclosed

All information on this page is required.

**Section 1. HAZARDOUS WASTE ACTIVITIES**

4 RCRA Generator Status as of 3-1-2019

- 1 = LQG: Greater than 1,000 kg/mo (2200 lbs/mo) of non-acute hazardous waste (Forms GM and T1 must also be completed using the complete electronic package)
- 2 = SQG: 100 to 1,000 kg/mo of non-acute hazardous waste
- 3 = CESGG: Less than 100 kg/mo of non-acute hazardous waste
- 4 = Nongenerator

IF your site is no longer a LQG, but was a LQG during calendar year 2018, YOU MUST COMPLETE THE REPORT USING THE COMPLETE ELECTRONIC PACKAGE

Other Generator Activities: Enter Y (yes) or N (no)

- United States Importer of Hazardous Waste
- Mixed Waste (hazardous & radioactive) Generator

**Section 2. UNIVERSAL WASTE ACTIVITIES: Y OR N**

Large Quantity Handler (5,000 kg) of Universal Waste. Mark the following types only if Yes.

- Batteries
- Pesticides
- Mercury Containing Equipment
- Lamps

Destination Facility for Universal Waste.

Note: A hazardous waste permit may be required for this activity.

**All other hazardous waste activities: Enter Y or N**

- Transporter of Hazardous Waste
  - Transfer Facility (at your site) 40 CFR263.12
  - Treater, Storer, or Disposer of Hazardous Waste (at your site)  
Note: A hazardous waste permit is required for this activity.
  - Recycler of Hazardous Waste (at your site)  
Note: A hazardous waste permit may be required for this activity.
- Exempt Boiler and/or Industrial Furnace:
- Small Quantity On-Site Burner Exemption
  - Smelting, Melting, Refining Furnace Exemption
  - Underground Injection Control

**Section 3. Used Oil ACTIVITIES: Enter Y OR N**

- Used Oil Transporter
- Used Oil Transfer Facility
- Used Oil Processor
- Used Oil Re-refiner
- Off-Specification Used Oil Burner
- Marketer who Directs Shipment of Off-Spec Used oil to Off-spec Used Oil Burner
- Marketer who First Claims the Used Oil Meets the Specifications

**Section 4. ENTER THE 6 digit 2017 NAICS CODE(S) FOR THIS LOCATION**

**Section 5. TYPES:**

Site Land Type (Enter code from list in instructions):

Owner Type (Enter code from list in instructions):

Date current owner Became Owner (mm/dd/yyyy):

Operator Type (Enter code from list in instructions):

Date current operator Became Operator (mm/dd/yyyy):

**RECEIVED**  
FEB 28 2019  
IEPA/BOL

**Section 6. Comments:**  Enter Y (Yes) if you have comments regarding this page and attach extra sheet.

**COST ESTIMATES FOR TSD FACILITIES, interim status and permitted**

A. Closure cost estimate: \$ .00

B. Estimate for post closure monitoring and maintenance costs (disposal facilities only): \$ 484,460.00

**Section 7. Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

Certification: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Please print: Last Name Healy First Name Matthew B. Title Area Vice President  
C. Signature [Signature] D. Date of Signature 2/19/19

Name, Telephone number, and email of person to contact if there are questions about this report:

James Hitzeroth, 630-894-5001, JHitzeroth@republicservices.com

This Agency is authorized to require this information under 415 ILCS 5/4 and 21. Disclosure of this information is required. Failure to disclose this information may result in a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42 and 44).



February 26, 2019

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land #24  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2018  
BFI, Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA No.: 1418210001  
Project No.: 0120-049-01-19

Dear Ms. Wright:

On behalf of permittee, BFI Waste Systems of North America, LLC, Weaver Consultants Group herein submits the Annual Hazardous Waste Report for the above referenced facility for 2018. A Petition to Delist the only waste regularly generated from the hazardous waste unit at Davis Junction (i.e., landfill leachate) was approved by the Illinois Pollution Control Board on December 4, 2008 (Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-5). The first load of leachate was transported under the approved delisting in February of 2010. Once the waste is loaded into a tanker truck for transport offsite, and as long as the leachate is transported safely to an approved treatment facility, it is considered a non-hazardous waste.

Each load of leachate removed and hauled from the Phase I facility in 2018 was classified as non-hazardous pursuant to the above Delisting Petition. Therefore, only a Form IC - Identification and Certification Form has been included in this report. Accordingly, as stated in Section 1 of the attached Form IC – Identification and Certification, the RCRA Generator Status for this facility is Nongenerator. Given this RCRA Generator Status, no fee has been included with this submittal.

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**IEPA/BOL**

\\WBC-CHG-FS1\WBCDATA\PROJECTS\0100-0199\0120\49\01\ANNUAL REPORTS\2018\PHASE I\IEPA COV LTR ANNUAL HAZ WASTE RPT 2018.DOCX

Ms. Hope Wright

February 26, 2019

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Feel free to contact myself or Mr. Jim Hitzeroth of BFI with any questions concerning this information.

Sincerely,

Weaver Consultants Group North Central, LLC



Michael B. Maxwell, CHMM, LPG  
Chicago EPG Operations Manager

Cc: Mr. Jim Hitzeroth (w/ encl.)

Enclosure: ILLINOIS Environmental Protection Agency 2018 Hazardous Waste Report Form IC



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

February 26, 2019

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2018  
BFI - Davis Junction Landfill - Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

Dear Ms. Wright,

Enclosed, please find three copies of the above referenced report that is being submitted on behalf of BFI Waste Systems of North America, LLC.

If you have any questions concerning this submittal, feel free to contact me at (630) 894-5001 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC

A handwritten signature in black ink, appearing to read "James Hitzeroth", written over a horizontal line.

James Hitzeroth

Enclosures

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1418210001

OMB# 2050-0024; Expires 05/31/2020

<b>United States Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>	
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**1. Reason for Submittal (Select only one.)**

<input type="checkbox"/>	Obtaining or updating an EPA ID number for an on-going regulated activity that will continue for a period of time. (Includes HSM activity)
<input checked="" type="checkbox"/>	Submitting as a component of the Hazardous Waste Report for <u>2019</u> (Reporting Year)
<input checked="" type="checkbox"/>	Site was a TSD facility and/or generator of $\geq 1,000$ kg of non-acute hazardous waste, $> 1$ kg of acute hazardous waste, or $> 100$ kg of acute hazardous waste spill cleanup in one or more months of the reporting year (or State equivalent LQG regulations)
<input type="checkbox"/>	Notifying that regulated activity is no longer occurring at this Site
<input type="checkbox"/>	Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities
<input type="checkbox"/>	Submitting a new or revised Part A Form

**2. Site EPA ID Number**

I	L	D	9	8	0	7	0	0	7	5	1
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**IEPA/BOL**

**3. Site Name**

<b>BFI Davis Junction Landfill Phase I</b>
--

**4. Site Location Address**

Street Address	8902 N. Rte. 251	County	Ogle
City, Town, or Village	Davis Junction	State	IL
Country	USA	Zip Code	61020

**5. Site Mailing Address**

Same as Location Address

Street Address	26 W580 Shcick Rd.	County	Ogle
City, Town, or Village	Hanover Park	State	IL
Country	USA	Zip Code	60133

**6. Site Land Type**

<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Tribal	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
---	---------------------------------	-----------------------------------	----------------------------------	---------------------------------	------------------------------------	--------------------------------	--------------------------------

**7. North American Industry Classification System (NAICS) Code(s) for the Site (at least 5-digit codes)**

A. (Primary) 562212	C.
B.	D.

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**8. Site Contact Information**

Same as Location Address

First Name <b>James</b>	MI	Last Name <b>Hitzeroth</b>
Title <b>Environmental Manager</b>		
Street Address <b>26 W580 Schick Rd.</b>		
City, Town, or Village <b>Hanover Park</b>		
State <b>IL</b>	Country <b>USA</b>	Zip Code <b>224-970-1129</b>
Email <b>JHitzeroth@republicservices.com</b>		
Phone <b>224-970-1129</b>	Ext	Fax

**9. Legal Owner and Operator of the Site**

**A. Name of Site's Legal Owner**

Same as Location Address

Full Name <b>BFI Waste Systems of North America</b>	Date Became Owner (mm/dd/yyyy) <b>2/27/1975</b>
Owner Type <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
Street Address <b>8902 N. Rte. 251</b>	
City, Town, or Village <b>Davis Junction</b>	
State <b>IL</b>	Country <b>USA</b> Zip Code <b>61020</b>
Email <b>JHitzeroth@republicservices.com</b>	
Phone <b>224-970-1129</b>	Ext      Fax
Comments	

**B. Name of Site's Legal Operator**

Same as Location Address

Full Name <b>BFI Waste Systems of North America</b>	Date Became Operator (mm/dd/yyyy) <b>2/27/1975</b>
Operator Type <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
Street Address <b>8902 N. Rte. 251</b>	
City, Town, or Village <b>Davis Junction</b>	
State <b>IL</b>	Country <b>USA</b> Zip Code <b>61020</b>
Email <b>JHitzeroth@republicservices.com</b>	
Phone <b>224-970-1129</b>	Ext      Fax
Comments	

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>1. Generator of Hazardous Waste</b> —If "Yes", mark only one of the following—a, b, c	
<input checked="" type="checkbox"/>	a. LQG	-Generates, in any calendar month (includes quantities imported by importer site) 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste; or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	b. SQG	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	c. VSQG	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Short-Term Generator</b> (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section. <i>Note: If "Yes", you MUST indicate that you are a Generator of Hazardous Waste in Item 10.A.1 above.</i>	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>3. Treater, Storer or Disposer of Hazardous Waste</b> —Note: Part B of a hazardous waste permit is required for these activities.	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Receives Hazardous Waste from Off-site</b>	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Recycler of Hazardous Waste</b>	
<input type="checkbox"/>	a. Recycler who stores prior to recycling	
<input type="checkbox"/>	b. Recycler who does not store prior to recycling	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>6. Exempt Boiler and/or Industrial Furnace</b> —If "Yes", mark all that apply.	
<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption	
<input type="checkbox"/>	b. Smelting, Melting, and Refining Furnace Exemption	

**B. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.

F039						

**C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes.** Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.


EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**

**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Transporter of Hazardous Waste—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Underground Injection Control</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. United States Importer of Hazardous Waste</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Recognized Trader—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

**B. Universal Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If "Yes" mark all that apply. Note: Refer to your State regulations to determine what is regulated.</b>
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Other (specify) _____
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Destination Facility for Universal Waste Note: A hazardous waste permit may be required for this activity.</b>

**C. Used Oil Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Used Oil Transporter—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Used Oil Processor and/or Re-refiner—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. Off-Specification Used Oil Burner</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Used Oil Fuel Marketer—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**D. Pharmaceutical Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals—if "Yes", mark only one. Note: See the item-by-item instructions for definitions of healthcare facility and reverse distributor.
<input type="checkbox"/>	a. Healthcare Facility
<input type="checkbox"/>	b. Reverse Distributor
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Withdrawing from operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals. Note: You may only withdraw if you are a healthcare facility that is no longer an LQG or SQG.

**12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories— If "Yes", mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

**13. Episodic Generation**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If "Yes", you must fill out the Addendum for Episodic Generator?
--	---

**14. LQG Consolidation of VSQG Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If "Yes", you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
--	--

**15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) or <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

EPA ID Number 

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OMB# 2050-0024; Expires 05/31/2020

**16. Notification of Hazardous Secondary Material (HSM) Activity**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
--	---

**17. Electronic Manifest Broker**

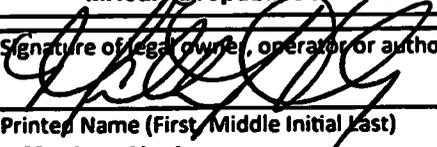
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
--	--

**18. Comments (include item number for each comment)**

The only waste regularly produced by the closed landfill facility is landfill leachate. According to Adjusted Standard AS 08-5, as long as the leachate reaches a properly permitted (off-site) treatment facility without incident, it is considered non-hazardous for disposal purposes. Each load transported in 2019 was received without incident and is therefore considered non-hazardous, meaning none of the leachate was transported off-site as hazardous in 2019. Pursuant to recent communications with Illinois EPA, the leachate is temporarily considered hazardous while it accumulates in an on-site tank and therefore, the permittee has declared as a large quantity generator.

**19. Certification** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 02/18/2020
Printed Name (First, Middle Initial Last) Matthew Healy	Title Vice President
Email MHealy@republicservices.com	

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 02/18/2020
Printed Name (First, Middle Initial Last) Matthew Healy	Title Vice President
Email MHealy@republicservices.com	

EPA ID Number

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OMB# 2050-0024; Expires 05/31/2020

United States Environmental Protection Agency <b>HAZARDOUS WASTE REPORT 2019</b> (reporting cycle) <b>WASTE GENERATION AND MANAGEMENT (GM) FORM</b>	
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**1. Waste Characteristics**

<b>A. Waste Description</b> Landfill leachate			
<b>B. EPA Hazardous Waste Code(s)</b>	F039		
<b>C. State Hazardous Waste Code(s)</b>			
<b>D. Source Code</b> G26	<b>Management Method (G25)</b>	<b>Country Code (G62)</b>	
<b>E. Form Code</b> W101	<b>F. Waste Minimization Code</b> X	<b>G. Radioactive Mixed</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
<b>H. Quantity</b> 107,000	<b>UOM</b> G	<b>Density</b> 8.34	<input checked="" type="checkbox"/> lbs/gal <input type="checkbox"/> sg

**2. On-site Generation and Management of Hazardous Waste**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Was any of this waste that was generated at this facility treated, disposed, and/or recycled on-site? If yes, continue to On-site Process System 1.		
<b>Process System 1</b>	<b>Management Method Code</b> H135	<b>Quantity</b>	107,000 gal
<b>Process System 2</b>	<b>Management Method Code</b>	<b>Quantity</b>	

**3. Off-site Shipment of Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Was any of this waste that was generated at this facility shipped off-site for treatment, disposal, or recycling?		
<b>Site 1</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
See Comments			
<b>Site 2</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
<b>Site 3</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	

**4. Comments**

Per AS 08-5, when the leachate safely reaches a properly permitted treatment facility, its not considered haz waste. All loads safely reached the treatment facility in 2019. Pursuant to recent communications with Illinois EPA, the permittee has declared as a LQG because the leacahte is temporarily considered a haz waste as it accumulates in the tank (<90 days). The 107,000 gal managed "on-site" as indicated in this report intended to apply to the above AS taking effect upon the safe receipt of the leachate at a properly permitted (offsite) POTW. The leacahte was not treated, disposed, or recycled on-site.



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

February 25, 2020

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

*Can't enter as they  
had it started.*

Re: Annual Hazardous Waste Report - 2019  
BFI - Davis Junction Landfill - Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

Dear Ms. Wright,

Enclosed, please find three copies of the above referenced report that is being submitted on behalf of BFI Waste Systems of North America, LLC. The Annual Hazardous Waste Report includes: the Site Identification (SI) Form and Waste Generation and Management (GM) Form.

Please be advised that a check in the amount of \$500 (Generator Fee) was sent under separate cover to: Illinois EPA, Attn: Fiscal #2 HAR, PO Box 19276, Springfield, IL 62794.

If you have any questions concerning this submittal, feel free to contact me at (224) 970-1129 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC

A handwritten signature in black ink, appearing to read "James Hitzeroth", written over a horizontal line.

James Hitzeroth

Enclosures

**RECEIVED**

FEB 28 2020

**IEPA/BOL**

EPA ID Number 

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OMB# 2050-0024; Expires 05/31/2020

**8. Site Contact Information**

Same as Location Address

First Name <b>James</b>	MI	Last Name <b>Hitzeroth</b>
Title <b>Environmental Manager</b>		
Street Address <b>26 W580 Schick Rd.</b>		
City, Town, or Village <b>Hanover Park</b>		
State <b>IL</b>	Country <b>USA</b>	Zip Code <b>224-970-1129</b>
Email <b>JHitzeroth@republicservices.com</b>		
Phone <b>224-970-1129</b>	Ext	Fax

**9. Legal Owner and Operator of the Site**

**A. Name of Site's Legal Owner**

Same as Location Address

Full Name <b>BFI Waste Systems of North America, LLC</b>	Date Became Owner (mm/dd/yyyy) <b>2/27/1975</b>
Owner Type <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
Street Address <b>8902 N. Rte. 251</b>	
City, Town, or Village <b>Davis Junction</b>	
State <b>IL</b>	Country <b>USA</b> Zip Code <b>61020</b>
Email <b>JHitzeroth@republicservices.com</b>	
Phone <b>224-970-1129</b>	Ext      Fax
Comments	

**B. Name of Site's Legal Operator**

Same as Location Address

Full Name <b>BFI Waste Systems of North America, LLC</b>	Date Became Operator (mm/dd/yyyy) <b>2/27/1975</b>
Operator Type <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other	
Street Address <b>8902 N. Rte. 251</b>	
City, Town, or Village <b>Davis Junction</b>	
State <b>IL</b>	Country <b>USA</b> Zip Code <b>61020</b>
Email <b>JHitzeroth@republicservices.com</b>	
Phone <b>224-970-1129</b>	Ext      Fax
Comments	

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>1. Generator of Hazardous Waste</b> —If "Yes", mark only one of the following—a, b, c	
<input checked="" type="checkbox"/>	<b>a. LQG</b>	-Generates, in any calendar month (includes quantities imported by importer site) 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste; or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>b. SQG</b>	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>c. VSQG</b>	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Short-Term Generator</b> (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section. <i>Note: If "Yes", you MUST indicate that you are a Generator of Hazardous Waste in Item 10.A.1 above.</i>	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<b>3. Treater, Storer or Disposer of Hazardous Waste</b> —Note: Part B of a hazardous waste permit is required for these activities.	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Receives Hazardous Waste from Off-site</b>	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5 Recycler of Hazardous Waste</b>	
<input type="checkbox"/>	<b>a. Recycler who stores prior to recycling</b>	
<input type="checkbox"/>	<b>b. Recycler who does not store prior to recycling</b>	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>6. Exempt Boiler and/or Industrial Furnace</b> —If "Yes", mark all that apply.	
<input type="checkbox"/>	<b>a. Small Quantity On-site Burner Exemption</b>	
<input type="checkbox"/>	<b>b. Smelting, Melting, and Refining Furnace Exemption</b>	

**B. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.

F039						
See	note	on	page	6		

**C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes.** Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.


EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 05/31/2020

**11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**

**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Transporter of Hazardous Waste—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Underground Injection Control</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. United States Importer of Hazardous Waste</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Recognized Trader—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

**B. Universal Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If "Yes" mark all that apply. Note: Refer to your State regulations to determine what is regulated.</b>
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Other (specify) _____
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Destination Facility for Universal Waste Note: A hazardous waste permit may be required for this activity.</b>

**C. Used Oil Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Used Oil Transporter—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Used Oil Processor and/or Re-refiner—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. Off-Specification Used Oil Burner</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Used Oil Fuel Marketer—If "Yes", mark all that apply.</b>
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

**D. Pharmaceutical Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals—if "Yes", mark only one. Note: See the item-by-item instructions for definitions of healthcare facility and reverse distributor.
<input type="checkbox"/>	a. Healthcare Facility
<input type="checkbox"/>	b. Reverse Distributor
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Withdrawing from operating under 40 CFR 266 Subpart P for the management of hazardous waste pharmaceuticals. Note: You may only withdraw if you are a healthcare facility that is no longer an LQG or SQG.

**12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories— If "Yes", mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

**13. Episodic Generation**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If "Yes", you must fill out the Addendum for Episodic Generator?
--	---

**14. LQG Consolidation of VSQG Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If "Yes", you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
--	--

**15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) or <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

EPA ID Number 

I	L	D	9	8	0	7	0	0	7	5	1
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OMB# 2050-0024; Expires 05/31/2020

**16. Notification of Hazardous Secondary Material (HSM) Activity**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
--	---

**17. Electronic Manifest Broker**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
--	--

**18. Comments (include item number for each comment)**

The only waste regularly produced by the closed landfill facility is landfill leachate. According to Adjusted Standard AS 08-5, as long as the leachate reaches a properly permitted (off-site) treatment facility without incident, it is considered non-hazardous for disposal purposes. Each load transported in 2020 was received without incident and is therefore considered non-hazardous, meaning none of the leachate was transported off-site as hazardous in 2020. Pursuant to prior communications with Illinois EPA, the leachate is temporarily considered hazardous while it accumulates in an on-site tank and therefore, the permittee has declared as a large quantity generator.

**19. Certification** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. **Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).**

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 02/03/2021
Printed Name (First, Middle Initial Last) Matthew Healy	Title Vice President
Email MHealy@republicservices.com	

Signature of legal owner, operator or authorized representative	Date (mm/dd/yyyy)
Printed Name (First, Middle Initial Last)	Title
Email	

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 05/31/2020

<p><b>United States Environmental Protection Agency</b>  <b>HAZARDOUS WASTE REPORT 2020</b> (reporting cycle)  <b>WASTE GENERATION AND MANAGEMENT (GM) FORM</b></p>	
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**1. Waste Characteristics**

<b>A. Waste Description</b> Landfill leachate							
<b>B. EPA Hazardous Waste Code(s)</b>		F039					
<b>C. State Hazardous Waste Code(s)</b>							
<b>D. Source Code</b> G26		<b>Management Method (G25)</b>			<b>Country Code (G62)</b>		
<b>E. Form Code</b> W101		<b>F. Waste Minimization Code</b> X			<b>G. Radioactive Mixed</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
<b>H. Quantity</b> 112,146		<b>UOM</b> G	<b>Density</b>		8.34	<input checked="" type="checkbox"/> lbs/gal <input type="checkbox"/> sg	

**2. On-site Generation and Management of Hazardous Waste**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		Was any of this waste that was generated at this facility treated, disposed, and/or recycled on-site? If yes, continue to On-site Process System 1.	
<b>Process System 1</b>	<b>Management Method Code</b> H135	<b>Quantity</b>	112,146 gal
<b>Process System 2</b>	<b>Management Method Code</b>	<b>Quantity</b>	

**3. Off-site Shipment of Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		A. Was any of this waste that was generated at this facility shipped off-site for treatment, disposal, or recycling?	
<b>Site 1</b>			
<b>B. EPA ID of facility to which waste was shipped</b>		<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>
See Comments			
<b>Site 2</b>			
<b>B. EPA ID of facility to which waste was shipped</b>		<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>
<b>Site 3</b>			
<b>B. EPA ID of facility to which waste was shipped</b>		<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>

**4. Comments**

Per AS 08-5, when the leachate safely reaches a properly permitted treatment facility, its not considered haz waste. All loads safely reached the treatment facility in 2020. Pursuant to prior communications with Illinois EPA, the permittee has declared as a LQG because the leacahte is temporarily considered a haz waste as it accumulates in the tank (<90 days). The 112,146 gal managed "on-site" as indicated in this report intended to apply to the above AS taking effect upon the safe receipt of the leachate at a properly permitted (offsite) POTW. The leacahte was not treated, disposed, or recycled on-site at Davis.



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

February 17, 2021

Illinois Environmental Protection Agency  
Attn: BOL #24 HAR  
PO Box 19276  
Springfield, IL 62794

Re: LARGE QUANTITY GENERATOR FEE - 2020  
BFI – Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

To Whom It May Concern,

Enclosed, please find a check made out to the Illinois Environmental Protection Agency in the amount of \$500 intended to cover the large quantity generator fees for the above referenced facility for calendar year 2020.

If you have any questions concerning this payment, feel free to contact me at (224) 970-1129 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC

A handwritten signature in black ink, appearing to read "James Hitzeroth", written over a horizontal line.

James Hitzeroth

Enclosure

**RECEIVED**  
FEB 26 2021  
**IEPA/BOL**



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

February 17, 2021

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

Re: Annual Hazardous Waste Report - 2020  
BFI – Davis Junction Landfill – Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

Dear Ms. Wright,

Enclosed, please find an original signed version, plus two copies of the above referenced report that is being submitted by permittee, BFI Waste Systems of North America, LLC. The Annual Hazardous Waste Report includes: the Site Identification (SI) Form and Waste Generation and Management (GM) Form.

Please note that the enclosed forms were utilized pursuant to your email correspondence received on January 27, 2021 indicating that the attached forms are still valid, in spite of the expiration date of 05/31/2020 indicated on the forms.

Please be advised that a check in the amount of \$500 (Generator Fee) was sent under separate cover to: Illinois Environmental Protection Agency, Attn: BOL #24 HAR, PO Box 19276, Springfield, IL 62794.

If you have any questions concerning this submittal, feel free to contact me at (224) 970-1129 or [JHitzeroth@republicservices.com](mailto:JHitzeroth@republicservices.com).

Sincerely,  
BFI Waste Systems of North America, LLC

A handwritten signature in black ink, appearing to read "James Hitzeroth".

James Hitzeroth

Enclosures



**BFI Waste Systems of North America, LLC.**  
26W580 Schick Road  
Hanover Park, IL 60133

February 17, 2022

Ms. Hope Wright  
Illinois Environmental Protection Agency  
Bureau of Land  
MC #24  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, IL 62794-9276

**RECEIVED**

**FEB 22 2022**

**IEPA/BOL/WRCS**

IEPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

Re: Annual Hazardous Waste Report - 2021  
BFI - Davis Junction Landfill - Phase I  
Davis Junction, IL  
USEPA ID No. ILD 980700751  
IEPA Site No.: 1418210001

**APR 12 2022**

**REVIEWER: RDH**

Dear Ms. Wright,

Enclosed, please find an original signed version, plus two copies of the above referenced report that is being submitted by permittee, BFI Waste Systems of North America, LLC. The Annual Hazardous Waste Report includes: the Site Identification (SI) Form and Waste Generation and Management (GM) Form.

Please be advised that a check in the amount of \$500 (LQG Annual Fee) was sent under separate cover to: Illinois Environmental Protection Agency, Attn: BOL #2 Fiscal, 1021 N. Grand Ave. East, Springfield, IL 62702.

If you have any questions concerning this submittal, feel free to contact me at (224) 970-1129 or JHitzeroth@republicservices.com.

Sincerely,  
BFI Waste Systems of North America, LLC

James Hitzeroth  
Environmental Manager



Enclosures



OMB# 2050-0024; Expires 04/30/2024

<b>United States Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>	
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**1. Reason for Submittal (Select only one.)**

<input type="checkbox"/>	Obtaining or updating an EPA ID number for on-going regulated activities (Items 10-17 below) that will continue for a period of time.
<input checked="" type="checkbox"/>	Submitting as a component of the Hazardous Waste Report for <u>2021</u> (Reporting Year)
<input checked="" type="checkbox"/>	Site was a TSD facility, a reverse distributor, and/or generator of $\geq 1,000$ kg of non-acute hazardous waste, $> 1$ kg of acute hazardous waste, or $> 100$ kg of acute hazardous waste spill cleanup in one or more months of the reporting year (or State equivalent LQG regulations)
<input type="checkbox"/>	Notifying that regulated activity is no longer occurring at this Site
<input type="checkbox"/>	Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities
<input type="checkbox"/>	Submitting a new or revised Part A (permit) Form

**2. Site EPA ID Number**

I	L	D	9	8	0	7	0	0	7	5	1
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**3. Site Name**

BFI Davis Junction Landfill Phase I
-------------------------------------

**4. Site Location Address**

Street Address	8902 N. Rte. 251		
City, Town, or Village	Davis Junction	County	Ogle
State	IL	Country	USA
Latitude	42 deg 08'53.4" N	Longitude	89 deg 04' 57.8" W25
		<input type="checkbox"/> Use Lat/Long as Primary Address	

**5. Site Mailing Address**

Same as Location Street Address

Street Address	26 W580 Schick Rd.		
City, Town, or Village	Hanover Park		
State	IL	Country	USA
		Zip Code	60133

**6. Site Land Type**

<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Tribal	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
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**7. North American Industry Classification System (NAICS) Code(s) for the Site (at least 5-digit codes)**

A. (Primary)	C.
562212	
B.	D.

EPA ID Number

I L D 9 8 0 7 0 0 7 5 1

OMB# 2050-0024; Expires 04/30/2024

8. Site Contact Information

Same as Location Address

First Name	James	MI	Last Name	Hitzeroth
Title	Environmental Manager			
Street Address	26 W580 Schick Rd.			
City, Town, or Village	Hanover Park			
State	IL	Country	USA	Zip Code
60133				
Email	JHitzeroth@republicservices.com			
Phone	224-970-1129	Ext	Fax	

9. Legal Owner and Operator of the Site

A. Name of Site's Legal Owner

Same as Location Address

Full Name	BFI Waste Systems of North America, LLC			Date Became Owner (mm/dd/yyyy)	2/27/1975
Owner Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other				
Street Address	8902 N. Rte. 251				
City, Town, or Village	Davis Junction				
State	IL	Country	USA	Zip Code	61020
Email JHitzeroth@republicservices.com					
Phone	224-970-1129	Ext	Fax		
Comments					

B. Name of Site's Legal Operator

Same as Location Address

Full Name	BFI Waste Systems of North America, LLC			Date Became Operator (mm/dd/yyyy)	2/27/1975
Operator Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other				
Street Address	8902 N. Rte. 251				
City, Town, or Village	Davis Junction				
State	IL	Country	USA	Zip Code	61020
Email JHitzeroth@republicservices.com					
Phone	224-970-1129	Ext	Fax		
Comments					

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 04/30/2024

**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities**

<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>1. Generator of Hazardous Waste</b> —If "Yes", mark only one of the following—a, b, c	
<input checked="" type="checkbox"/>	<b>a. LQG</b>	-Generates, in any calendar month, 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste (includes quantities imported by importer site); or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>b. SQG</b>	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	<b>c. VSQG</b>	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
<input type="checkbox"/> <input checked="" type="checkbox"/>	<b>2. Short-Term Generator</b> (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section. <i>Note: If "Yes", you MUST indicate that you are a Generator of Hazardous Waste in Item 10.A.1 above.</i>	
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>3. Treater, Storer or Disposer of Hazardous Waste</b> —Note: Part B of a hazardous waste permit is required for these activities.	
<input type="checkbox"/> <input checked="" type="checkbox"/>	<b>4. Receives Hazardous Waste from Off-site</b>	
<input type="checkbox"/> <input checked="" type="checkbox"/>	<b>5. Recycler of Hazardous Waste</b>	
<input type="checkbox"/>	<b>a. Recycler who stores prior to recycling</b>	
<input type="checkbox"/>	<b>b. Recycler who does not store prior to recycling</b>	
<input type="checkbox"/> <input checked="" type="checkbox"/>	<b>6. Exempt Boiler and/or Industrial Furnace</b> —If "Yes", mark all that apply.	
<input type="checkbox"/>	<b>a. Small Quantity On-site Burner Exemption</b>	
<input type="checkbox"/>	<b>b. Smelting, Melting, and Refining Furnace Exemption</b>	

**B. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.

<b>F039</b>						
<b>See</b>	<b>note</b>	<b>on</b>	<b>page</b>	<b>6</b>		

**C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes.** Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.


EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 04/30/2024

**11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**

**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Transporter of Hazardous Waste</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Underground Injection Control</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. United States Importer of Hazardous Waste</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Recognized Trader</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

**B. Universal Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If "Yes" mark all that apply. Note: Refer to your State regulations to determine what is regulated.</b>
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Aerosol Cans
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Destination Facility for Universal Waste</b> Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>1. Used Oil Transporter</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>2. Used Oil Processor and/or Re-refiner</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>3. Off-Specification Used Oil Burner</b>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<b>4. Used Oil Fuel Marketer</b> —If "Yes", mark all that apply.
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 04/30/2024

**D. Pharmaceutical Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Operating under 40 CFR Part 266, Subpart P for the management of hazardous waste pharmaceuticals—if "Yes", mark only one. Note: See the item-by-item instructions for definitions of healthcare facility and reverse distributor.
<input type="checkbox"/>	a. Healthcare Facility
<input type="checkbox"/>	b. Reverse Distributor
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Withdrawing from operating under 40 CFR Part 266, Subpart P for the management of hazardous waste pharmaceuticals. Note: You may only withdraw if you are a healthcare facility that is a VSQG for all of your hazardous waste, including hazardous waste pharmaceuticals.

**12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262, Subpart K.**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR Part 262, Subpart K for the management of hazardous wastes in laboratories— If "Yes", mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR Part 262, Subpart K for the management of hazardous wastes in laboratories.

**13. Episodic Generation**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If "Yes", you must fill out the Addendum for Episodic Generator.
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**14. LQG Consolidation of VSQG Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If "Yes", you must fill out the Addendum for LQG Consolidation of VSQG hazardous waste.
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**15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) or <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 04/30/2024

**16. Notification of Hazardous Secondary Material (HSM) Activity**

<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
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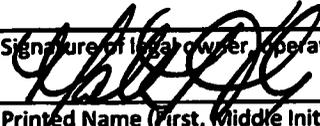
**17. Electronic Manifest Broker**

<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
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**18. Comments (include item number for each comment)**

The only waste regularly produced by the closed landfill facility is landfill leachate. According to Adjusted Standard AS 08-5 previously granted by the Illinois Pollution Control Board on December 4, 2008, as long as the leachate reaches a properly permitted (off-site) wastewater treatment facility without incident, it is considered non-hazardous for disposal purposes. Each load transported in 2021 was received without incident and is therefore considered non-hazardous, meaning none of the leachate was transported off-site as hazardous in 2021. Pursuant to prior communications with Illinois EPA, the leachate is temporarily considered hazardous while it accumulates in an on-site permitted tank and therefore, the permittee has declared as a large quantity generator for 2021.

**19. Certification** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. **Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).**

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) <b>02/08/2022</b>
Printed Name (First, Middle Initial Last) <b>Matthew Healy</b>	Title <b>Vice President</b>
Email <b>MHealy@republicservices.com</b>	
Signature of legal owner, operator or authorized representative	Date (mm/dd/yyyy)
Printed Name (First, Middle Initial Last)	Title
Email	

EPA ID Number **I L D 9 8 0 7 0 0 7 5 1**

OMB# 2050-0024; Expires 04/30/2024

<b>United States Environmental Protection Agency</b> <b>HAZARDOUS WASTE REPORT 2021</b> (reporting cycle) <b>WASTE GENERATION AND MANAGEMENT (GM) FORM</b>	
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**1. Waste Characteristics**

<b>A. Waste Description</b> Landfill leachate						
<b>B. EPA Hazardous Waste Code(s)</b>	F039	see	note	on	pg.	6
<b>C. State Hazardous Waste Code(s)</b>						
<b>D. Source Code</b> G26	<b>Management Method (G25)</b>		<b>Country Code (G62)</b>			
<b>E. Form Code</b> W101	<b>F. Waste Minimization Code</b> X		<b>G. Radioactive Mixed</b> <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
<b>H. Quantity</b> 86,300	<b>UOM</b> G	<b>Density</b> 8.34		<input checked="" type="checkbox"/> lbs/gal <input type="checkbox"/> sg		

**2. On-site Generation and Management of Hazardous Waste**

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Was any of this waste that was generated at this facility treated, disposed, and/or recycled on-site? If yes, continue to On-site Process System 1.		
<b>Process System 1</b>	<b>Management Method Code</b> H135	<b>Quantity</b>	<b>86,300 gal</b>
<b>Process System 2</b>	<b>Management Method Code</b>	<b>Quantity</b>	

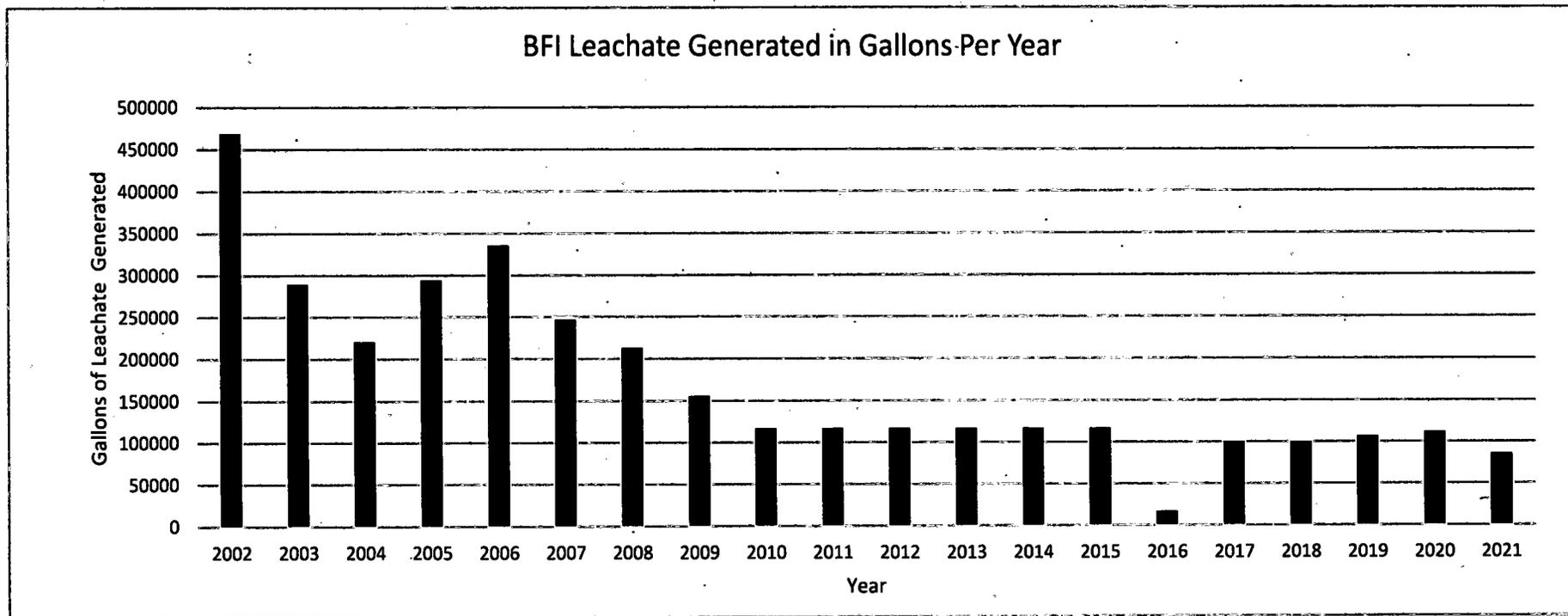
**3. Off-site Shipment of Hazardous Waste**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Was any of this waste that was generated at this facility shipped off-site for treatment, disposal, or recycling? If yes, continue to Site 1.		
<b>Site 1</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
<b>Site 2</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	
<b>Site 3</b>			
<b>B. EPA ID of facility to which waste was shipped</b>	<b>C. Management Method Code</b>	<b>D. Total Quantity Shipped</b>	

**4. Comments**

Per AS 08-5, when the landfill leachate safely reaches the properly permitted treatment facility, its not considered haz waste. All loads safely reached the treatment facility in 2021. Per prior communications with Illinois EPA, the permittee has declared as a LQG because the leachate is temporarily considered a haz waste as it accumulates in the tank (<90 days). The 86,300 gal managed "on-site" as indicated in this report intended to apply to the above AS taking effect upon the safe receipt of the leachate at a properly permitted (offsite) POTW. The leacahte was not treated, disposed or recycled on-site at Davis.

Reporting Year	Leachate Generated(gallons)
2002	468,300
2003	290,000
2004	221,000
2005	294,000
2006	335,650
2007	246,800
2008	213,000
2009	155,900
2010	116,800
2011	0 (each load removed was classified as non-haz pursuant to delist petition)
2012	0 (each load removed was classified as non-haz pursuant to delist petition)
2013	0 (each load removed was classified as non-haz pursuant to delist petition)
2014	0 (each load removed was classified as non-haz pursuant to delist petition)
2015	0 (each load removed was classified as non-haz pursuant to delist petition)
2016	16,900
2017	100,000
2018	100,000
2019	107,000
2020	112,146
2021	86,300





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**7011 1150 0001 0857 6038**

**JUL 01 2022**

Honorable Leon Rockingham, Jr.  
Mayor, City of North Chicago  
1850 Lewis Avenue  
North Chicago, Illinois 60064

Re: 0971250007 -- Lake County  
North Chicago/North Chicago, City of  
ILD097271563  
Log No.: C-656-M-25  
Received on: May 9, 2022  
RCRA Closure

Dear Mayor Rockingham, Jr.:

This in response to your May 5, 2022 letter, received by Illinois EPA on May 9, 2022, associated with the former R. Lavin & Sons/North Chicago Refiners & Smelters site (Former Lavin Site), located at 2028 Sheridan Road, North Chicago in Lake County, Illinois, which is now owned by the City of North Chicago (the City). This letter included a request to terminate the required RCRA Post-Closure Care for the entire 17.6-acre of the Former Lavin Site which was closed as a hazardous waste landfill.

The initial RCRA Closure/Post-closure Plan (C-656) was first approved on November 4, 1992 for the subject former smelter site. The closure certification of the entire 17.6-acre site as a RCRA hazardous landfill was approved on July 29, 1999, and the post-closure care was required to be conducted until at least March 31, 2022. The closure/post-closure plan was last modified on September 1, 2015.

Your May 5, 2022 letter contained a one-page cover letter requesting Illinois EPA to terminate the post-closure care at the subject site, a signed LPC-PA18 Form, and information (referred to as Attachment 1) containing recent post closure groundwater monitoring data at the subject site.

Illinois EPA reviewed your request to terminate the post-closure care for the entire 17.6-acre site and determined that your request cannot be approved as the City has not met the conditions of the approved closure/post-closure plan and the requirements of 35 Ill. Adm. Code Sections 725.217, 725.218, 725.220, and 725.410(b) for the post-closure care of the subject Former Lavin Site for the reasons described in the conditions below:

1. Exceedances of the 35 Ill. Adm. Code Part 620, Class I, Groundwater Quality Standards (GQS) for Lead have been detected within the last three years of groundwater monitoring. During the 4<sup>th</sup> quarter 2020 sampling event, exceedances of Lead were

2125 S First Street, Champaign, IL 61820 (217) 278-5800  
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

Mayor Rockingham, Jr.  
Log No. C-656-M-25  
Page 2

detected in monitoring wells MW2D and MW3D at 0.009 mg/L and 0.064 mg/L, respectively. Lead was again detected in the 2<sup>nd</sup> quarter 2021 sampling event in monitoring well MW9D and also in the duplicate sample from this well at 0.02 mg/L and 0.016 mg/L, respectively. The 35 Ill. Adm. Code Part 620 Class I, GQS for Lead is 0.0075 mg/L.

2. As required by Attachment A, Condition 3 of the Illinois EPA's June 10, 2014 letter (Log No. C-656-M-20 and 22), total (unfiltered) values shall be compared to 35 Ill. Adm. Code Part 620, Class I, GQS in order to identify unacceptable exceedances of hazardous waste constituents present in fill material at the facility. The City compared dissolved (filtered) to 35 Ill. Adm. Code Part 620, Class I, GQS, which is not appropriate and did not meet this requirement.
3. The City did not submit the 4<sup>th</sup> quarter 2021 Groundwater Monitoring Report, required by Attachment A of the Illinois EPA's June 10, 2014 letter (Log No. C-656-M-20 and 22). A review of the Illinois EPA files indicates that this Report has yet to be submitted. The facility must submit the 4<sup>th</sup> quarter 2021 Groundwater Monitoring Report.
4. Water in MW6S demonstrated that leachate is present in the landfill. Water present in the fill layer is considered leachate. This leachate has the potential to release hazardous constituents to the uppermost aquifer and to off-site areas because the landfill is not lined. Terminating post-closure care would not meet the closure requirements at 35 Ill. Adm. Code Sections 725.211 or 725.410(a) because the facility has not demonstrated the long-term minimization of migration of liquids through the closed landfill.

The presence of liquids in a landfill is a significant concern for a landfill's long-term management. Liquids in a landfill are a primary means by which hazardous constituents in the waste can become mobilized and leave the landfill. For example, with the settlement, surface depressions, and water accumulation observed by the Illinois EPA during its March 30, 2022 field inspection, it is likely that surface water is seeping into the hazardous fill materials beneath the cover. Furthermore, any water in contact with the hazardous fill materials is potentially migrating along the existing sewer lines with the potential to migrate to off-site areas.

5. Monitoring from one shallow well (MW6S) is not sufficient to be representative of the current conditions within and beneath the hazardous waste landfill. All on-site shallow wells must be measured for water elevation and samples must be collected and analyzed for the parameters in 35 Ill. Adm. Code Part 724, Appendix I, to determine the potential for hazardous constituents migrating towards the uppermost aquifer or through the sides of the landfill.
6. In accordance with Condition 10 of the Illinois EPA's July 3, 2012 letter (Log No. C-656-M-17&18), the City was required to submit a plan to establish a Final Protective Layer over the Final Cover (i.e., three-foot compacted silty-clay) approved in the closure plan letter if the previously proposed redevelopment did not begin by April 1, 2014. The

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development did not occur, and no such plan for the Final Protective Layer has been submitted to Illinois EPA. Therefore, the landfill has not been closed in accordance with the approved closure plan because the construction of the cover system has not been completed.

7. During the Illinois EPA's March 30, 2022 RCRA Site inspection, Illinois EPA observed: (1) at least one depression with standing water surrounding 2 monitoring wells; (2) signs of settling in several areas of the final cover; and (3) signs of erosion of the final cover. Illinois EPA's observations of these areas indicate that appropriate action has not been taken to correct these ongoing problems. Therefore, the landfill has not been maintained and cared for in accordance with the approved closure/post-closure plan.
8. The City is required to carry out the post-closure activities identified in the April 12, 1999 submittal made by Mr. Ronald E. Hutches as modified in the July 3, 2012 Illinois approval letter. In addition to the Conditions above, the City has not met the following post-closure care requirements:
  - a. A Professional Engineer (PE) must conduct a yearly annual inspection of the site in addition to monthly inspections as addressed in Condition 8(c) below. This annual inspection is to check for surface cracks, depressions, settlings, erosion problems, and any other anomaly. The results of the yearly inspection must be documented in a report and submitted to the Illinois EPA by February 1 of the following year for its review. This information has not been submitted for this facility since 2001.
  - b. Any stormwater collected and managed to be discharged off-site (i.e. out of the boundary of the site) through Pond 1 and the existing sewer system at the site must be managed in accordance with a NPDES permit as required in the post-closure plan for the site. Pond 2 was previously approved to be filled during the final cover improvement activities in approximately 2010 while Pond 1 is still in operation as the stormwater run-off collection system. The City has not demonstrated the compliance with this requirement since the City acquired the facility in 2006. As an alternative, the City may demonstrate that this requirement is no longer applicable.
  - c. Monthly inspection logs and any inspection after 1-inch of rain over a 24-hour period must be conducted at the site. Any repair to correct the issues discovered during these frequent inspections and the yearly inspection in Condition 8 (a) above must be documented and recorded. In accordance with 35 Ill. Adm. Code 725.173(b)(6), the facility is required to maintain and keep the documentation of the inspection for at least 3 years. Compliance with this requirement was not discussed or demonstrated in the subject submittal.

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9. As indicated in Condition 8(b) above, any storm water and subsurface water leaving the site must be managed in accordance with the facility's NPDES permit at the site. It is unknown if the City has a permit for the site to discharge the specific runoff and leachate to the City's sewer system at this time, especially after the final cover improvement was approved on September 10, 2010 (Log No. C-656-M-15). Information and documentation that the City is in compliance with this condition has not been provided to Illinois EPA.
10. The LPC-PA18 form for the subject submittal was incomplete as "Unit Undergoing Closure" is blank and was not identified. As the entire 17.6-acre was closed as a hazardous waste landfill, the unit closed must be identified as a landfill.
11. In accordance with 35 Ill. Adm. Code Section 725.220, a certification of completion of Post-Closure care signed by the owner/operator and a qualified PE must be submitted to the Illinois EPA. Such certification must clearly indicate that the entire post-closure care for the site was performed in accordance with the specifications in the approved post-closure plan. The qualified PE must be able to provide all necessary documentation and certify that, during the entire period of the post-closure care, all required post-closure care activities were conducted in accordance with the approved post-closure plan at the subject hazardous waste landfill. The only certification provided was the LPC-PA18 Form, which does not satisfy the requirements of 35 Ill. Adm. Code Section 725.220.
12. As required in the approved closure/post-closure plan, the City must provide financial assurance to meet the requirements of 35 Ill. Adm. Code Part 725, Subpart H for the post-closure care of the subject site. The Illinois EPA's record indicates that financial assurance has not been provided to the Illinois EPA to meet this requirement in the recent years. The most current approved amount of financial assurance for the post-closure care is for at least \$347,618.78.

In addition to the non-compliance with the above requirements, Illinois EPA has determined that the post-closure care at the site should not be terminated for the following additional reasons:

13. Illinois EPA observed several apparent violations at the site during its March 30, 2022 site inspection. These apparent violations are documented and sent to the City in a letter dated June 27, 2022.
14. Water collected from monitoring well MW6S and other shallow wells must be further investigated. The source of water within the fill must be evaluated to determine if the water observed and collected from shallow wells is from lateral migration or from infiltration through the landfill cover.
15. USEPA's "Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA", dated December 15, 2016 (2016 USEPA Guidance) provides a number of criteria that should be considered when determining if post-closure care should be extended. Application of this guidance to the conditions at

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the site provides additional basis for a determination that post-closure care should be extended at the facility. The following are some of the minimum criteria to be considered in accordance with the 2016 USEPA guidance and how they relate to the conditions at the site:

- a. **Nature of waste in the unit.** The waste at the site includes characteristically hazardous lead as well as high levels of cadmium and polychlorinated biphenyls (PCBs). The waste was not pre-treated to meet the Land Disposal Restrictions (LDRs) for hazardous waste prior to the closure as a landfill.
- b. **Design of the Unit:** There is no engineered bottom liner or side liner to the landfill to prevent waste or contaminated leachate from migrating off-site. In addition, there are a number of storm drains on the surface of the landfill that drain to an underground stormwater sewer system. Mr. Deigan (consultant for the City) stated that the sewer system has been there since the smelter was in operation. The design of the sewer system is not described in the closure post-closure plan, but it is clear that it is located within and possibly below the waste. The location of sewer lines within a hazardous waste landfill provides a pathway for water to enter into the waste, and for contaminated leachate to migrate out of the waste and ultimately off-site. The post-closure monitoring of the landfill currently does not consider the potential migration of wastes and hazardous constituents through the side walls or along the storm sewer system.
- c. **Leachate:** The 2016 USEPA Guidance suggests that monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit. As mentioned in Condition 4, water in the fill layer is considered leachate and the presence of water in the shallow monitoring wells must be evaluated. Also, whether the stormwater pond located at the east end of the landfill may be hydrogeologically connected to the shallow groundwater (i.e., leachate) should be evaluated to determine if the stormwater pond is collecting the shallow groundwater/leachate from the fill or the stormwater maybe entering the fill materials from this area.
- d. **Groundwater:** As indicated in Conditions 1 through 5 and 13, additional evaluation must be conducted for groundwater. As the 2016 USEPA Guidance points out, it is important that groundwater analytical results, the adequacy and reliability of the groundwater-monitoring network, groundwater-monitoring well integrity, and reasonable current or future exposure be evaluated before the post-closure care period ends.
- e. **Siting & Site Hydrogeology:** The City of North Chicago site's location characteristics, proximity to vulnerable areas such as residential/Environmental Justice (EJ) areas and surface water sources nearby must be evaluated for this site. The reasonably anticipated future land use of the facility and surrounding properties are also relevant. Location in potentially vulnerable areas increases the likelihood and potential severity of contaminant release.

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- f. **Facility History**: This criterion is to evaluate if the waste management unit during post-closure care has been adequately managed to prevent releases of contaminants to the environment. Conditions in this letter list several concerns regarding the management of this site.
- g. **Integrity of Cover System**: A viable cover is one of the most important mechanisms in preventing leachate generation and, ultimately, releases of contaminants. Given the results of the recent Illinois EPA Field Operation Section (FOS) inspection, this criterion has not been met at the site.
- h. **Long Term Care**: Establishment and maintenance of physical and legal controls are necessary to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place. No long-term restrictions of future land use nor maintenance requirements to minimize future exposure to hazardous fill material beneath the cover are proposed for the site.

Due to the reasons listed in Conditions 1 through 15 above, Illinois EPA has determined that the request to terminate post-closure care cannot be granted and that the post-closure care period at the Former Lavin site must be extended to address current and future environmental concerns identified in this letter in accordance with 35 Ill. Adm. Code 725.218(g)(2). Therefore, the following actions need to be taken:

- A. In accordance with 35 Ill. Adm. Code 725.218(g)(2)(A), the Illinois EPA's decision to extend the post-closure care period for the subject site will be publicly noticed through a newspaper and made available for public comment within thirty (30) days after the date of this letter by Illinois EPA. Illinois EPA will issue a final determination after the comment period ends and, if necessary, a public hearing is held.
- B. In accordance with 35 Ill. Adm. Code 725.245 (h), this letter shall constitute a notification to the City that Illinois EPA has determined that extending the post-closure care period at the Former Lavin site is required. Thus, within 35-days of the date of this letter, the City must provide the Illinois EPA with an acceptable financial assurance in the amount of \$347,618.78 for the post-closure care of the site to meet the requirements of 35 Ill. Adm. Code Part 725, Subpart H.
- C. Within sixty (60) days of the date of the Illinois EPA's final determination to extend the post-closure care period as described in Condition A above, the City must submit a Closure/Post closure modification request to provide the following information and a plan to:
  - (1) Extend the post-closure care for the site;
  - (2) Address and meet the requirements of the approved post-closure plan;
  - (3) Describe how each Condition in this letter is or will be addressed;

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Log No. C-656-M-25  
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- (4) Provide an updated survey the facility to determine the current vertical and horizontal dimensions. Such survey data must then be compared to the previous survey data completed after the completion of the final cover upgrade, which was approved in 2012, to determine if any settlement and erosion of the final cover has occurred and if the current final cover is 3-foot thick as required in accordance with the approved closure/post-closure plan.
  - (5) Provide a schedule for all action items included in such plan;
  - (6) Provide a revised cost estimate for the post-closure care for the 17.6-acre site; and
  - (7) Address and correct the apparent violations from the Illinois EPA's March 30, 2022 Site Inspection in the aforementioned Illinois EPA FOS letter.
- D. In accordance with 35 Ill. Adm. Code 703.121 (b) and the 2016 USEPA Guidance, the City shall address the future post-closure care and long-term stewardship for the subject site under a RCRA Post-Closure Care Permit to comply with the applicable RCRA regulations and avoid future non-compliance issues. As stated in Condition 16 of Illinois EPA's July 3, 2012, letter, and pursuant to 35 Ill. Adm. Code 703.121, a facility under post-closure care requirements of a hazardous waste landfill must obtain a RCRA permit or an enforceable document. RCRA Closure of this site was initially required through a Consent Order (90-CH-668, signed 10/12/1990, which was revised in 1997). However, the Consent Order was terminated on September 28, 2000, shortly after the post-closure care plan was approved in 1999, and since then the facility has been conducting post-closure of the hazardous waste landfill without a RCRA permit or an enforceable document. Therefore, a RCRA Permit is required. A plan and schedule to submit a RCRA Post-Closure Care Permit Application to Illinois EPA must be included in the required closure/post-closure modification request in Condition C above.
- E. In accordance with 35 Ill. Adm. Code 725.218(g)(2)(A), the Illinois EPA's decision to extend the post-closure care period for the subject site must be publicly noticed through a newspaper and made available for public comment within thirty (30) days after the date of this letter.

This action shall constitute Illinois EPA's final action 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 thirty-five (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 ninety (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.

Mayor Rockingham, Jr.  
Log No. C-656-M-25  
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For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782 5544

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

Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph Street, Suite 11 500  
Chicago, IL 60601  
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.

If you have any questions regarding the groundwater related aspects of this project, please contact Paula Stine at 217/557-8770. Questions regarding other aspects of this project should be directed to Takako Halteman, P.E. at 217/524-3274.

Sincerely,



W. Robert Watson, P.E.  
Manager, RCRA Unit  
Division of Land Pollution Control  
Bureau of Land

WRW:TNH: 0971250007-RCRA-C656M25-denial.docx

CC: Gary Deigan, The Deigan Group (electronic copy only)

bcc: Bureau File  
Des Plaines Region  
Rob Watson  
Kim Rawe  
Paula Stine  
Takako Halteman  
John McDonough  
Nick San Diego  
Melanie Jarvis  
Michelle Rvan  
Kyle Rominger  
Greg Dunn  
Brad Frost  
Casandra Metz



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

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JOHN J. KIM, DIRECTOR

217/524-3300

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**AUG 19 2022**

7011 1150 0001 0857 7202

Honorable Leon Rockingham, Jr.  
Mayor, City of North Chicago  
1850 Lewis Avenue  
North Chicago, Illinois 60064

Re: 0971250007 -- Lake County  
North Chicago/North Chicago, City of  
ILD097271563  
Log No.: C-656-M-25 (Notification)  
RCRA Closure

Dear Mayor Rockingham, Jr.:

This letter is to notify the City of North Chicago (the City) that Illinois EPA's final determination has been made to extend the RCRA Post-Closure Care period at the above-referenced facility in accordance with 35 Ill. Adm. Code 725.218(g)(2)(A) and Action Item A of the Illinois EPA's July 1, 2022 letter (Log No. C-656-M-25).

The Illinois EPA's July 1, 2022 letter contained its decision to extend the post-closure care period for the above-referenced site. This decision was publicly noticed through Chicago Sun Times on July 8, 2022 and made available for public comment. During the 30-day public comment period, the Illinois EPA's Community Relations did not receive any comments. Thus, as required by 35 Ill. Adm. Code 725.218(g)(2)(A), this notification is provided to the City.

If you have any questions regarding this notice, please contact Takako Halteman, P.E. at 217/524-3274.

Sincerely,

Kenneth E. Smith, P.E., Manager  
Permit Section  
Division of Land Pollution Control  
Bureau of Land

KES:TNH: 0971250007-RCRA-C656M25-notification.docx

*71NH WPLW*

CC: Gary Deigan, The Deigan Group (electronic copy only)

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
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



217/524-3300

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**NOV 15 2022**

**7011 1150 0001 0857 8322**

Mr. William J. Sawitz  
RCH Newco II, LLC  
27501 Bella Vista Parkway  
Warrenville, IL. 60555

Re: 1978030005 -- Will County  
RCH Newco II, LLC -- New Ave. & Ceco Rd.  
ILD990785453  
Log No. C-68  
RCRA Closure  
Permit Correspondence

Dear Mr. Sawitz

As you are aware, RCH Newco II, LLC (RCH Newco) located at New Avenue and Ceco Road has been required to provide post-closure care for the two-acre hazardous waste landfill under the facility's Interim Status Post-Closure Plan since January 1, 1993. The approved Interim Status post-closure plan (Log No. C-68) required post-closure care be maintained for a minimum of thirty (30) years or until at least January 1, 2023.

The purpose of this letter is to inform the facility that the Illinois EPA has conducted a review of the post-closure status of the subject hazardous waste management unit and has determined that the post-closure care period for the two-acre landfill must be extended to address current and future environmental concerns identified in this letter in accordance with 35 Ill. Adm. Code 725.218.(g)(2) and the USEPA's "Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA", dated December 15, 2016 (2016 USEPA Guidance).

The following comments and conditions apply to this determination:

1. In accordance with 35 Ill. Adm. Code 725.245(h), this letter shall constitute notification to RCH Newco that Illinois EPA has determined that extending the post-closure care period for the two-acre hazardous waste landfill at the RCH Newco site is required.
2. In accordance with 35 Ill. Adm. Code 725.218(g)(2)(A), the Illinois EPA's decision to extend the post-closure care period for the subject site will be publicly noticed through a newspaper and made available for public comment within thirty (30) days after the date of this letter by Illinois EPA. Illinois EPA will issue a final determination after the comment period ends and, if necessary, a public hearing is held.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
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4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

1978030005/RCH Newco.

Log No. C-68

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3. In accordance with 35 Ill. Adm. Code 703.121(b), RCH Newco shall address the future post-closure care and long-term stewardship for the subject site under a RCRA Post-Closure Care Permit. Modification of the existing Interim Status Post-Closure Plan may be necessary to meet the requirements of 35 Ill. Adm. Code 724.211, 724.217, 724.218, and 724.131, and adequately protect human health and the environment.
4. The facility shall provide an application for a RCRA Post-Closure permit to the Illinois EPA Bureau of Land Permit Section within 180 days of Illinois EPA's final determination to extend the post-closure period as described in Condition 2 above. The Illinois EPA will provide the facility with the instructions for an application for a RCRA Post-Closure Permit when it issues its final determination.
5. The facility must continue to provide post-closure care for the unit in accordance with its existing approved post-closure plan, Illinois EPA letters with conditions and modifications to the approved post-closure plan, and the requirements of 35 Ill. Adm. Code Part 725 until a RCRA Post-Closure Permit is issued to the facility.
6. The facility must also continue to provide the Illinois EPA with an acceptable financial assurance for the post-closure care of the site to meet the requirements of 35 Ill. Adm. Code Part 725, Subpart H.
7. Pursuant to Section 39(g) of the Illinois Environmental Protection Act (the Act), necessary restrictions upon the future use of the site and long-term stewardship requirements to protect public health and the environment must be addressed, including permanent prohibition of the use of the site for purposes which may create an unreasonable risk of injury to human health or the environment.

The following criteria are the basis of the determination to extend the post-closure care period for the two-acre landfill at the above referenced facility:

- a. Nature of waste in the landfill: The waste in the landfill includes a listed hazardous waste, electric arc furnace dust (EAF) (K061). This waste is also characteristically hazardous for hexavalent chromium (D007), lead (D008) and cadmium (D006). The waste was not pre-treated to meet the Land Disposal Restrictions (LDRs) for hazardous waste prior to disposal in the landfill.
- b. Unit Type/Design: The landfill contains an admix of EAF (K061) and non-hazardous slag material. The bottom liner consists of compacted clay. The final cover consists of 2-feet of compacted clay, 18 inches of select fill and 6 inches of topsoil with vegetation.

A viable cover is one of the most important mechanisms in preventing leachate generation and, ultimately, release of contaminants. The integrity and effectiveness of the landfill's final cover must be adequately monitored and maintained. Vegetation with well-established tap roots is growing on the landfill cover. This is not allowed under

1978030005/RCH Newco.

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RCRA post-closure care requirements.

- c. Leachate: The 2016 USEPA Guidance suggests that monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (e.g., it can suggest a cover or liner failure when leachate is detected late in the post-closure care period). The hazardous waste landfill does not have a leachate collection or monitoring system so it cannot be determined if leachate is present within the landfill. More specifically, it cannot be determined if the integrity and effectiveness of the cover system has been maintained during the post-closure period as required by 35 Ill. Adm. Code 725.410(a)(1) & (5), 725.410(b) and 725.217(a)(1).
- d. Long Term Care: Establishment and maintenance of physical and legal controls are necessary to prevent unacceptable exposure to hazardous waste left in place. Long-term restrictions of future land use must be placed on the site to minimize future exposure.

This action shall constitute Illinois EPA's final action on the subject identified in this letter. 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 thirty-five (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 ninety (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  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782 5544

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

Illinois Pollution Control Board, Clerk  
State of Illinois Center  
100 West Randolph Street, Suite 11 500  
Chicago, IL 60601  
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

1978030005/RCH Newco.

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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.

If you have any questions regarding the groundwater related aspects of this project, please contact Adam Shade at 217/785-9633. Questions regarding other aspects of this project should be directed to Kelly Huser at 217/524-3867.

Sincerely,



W. Robert Watson, P.E., Manager  
Manager, RCRA Unit  
Division of Land Pollution Control  
Bureau of Land

WRW: KDH:1978030005-RCRA-C68-Corr.docx  
KDH

CC: Bruce Shabino, P.G., Carlson Environmental, Inc.  
Norberto Gonzalez, USEPA Region V  
Charlene Thigpen, FOS Des Plaines



**OFFICE OF RESOURCE CONSERVATION AND RECOVERY**  
WASHINGTON, D.C. 20460

June 5, 2024

**MEMORANDUM**

**SUBJECT:** Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA)

**FROM:** Carolyn Hoskinson, Director

A handwritten signature in black ink that reads "Hoskinson".

Digitally signed by  
CAROLYN HOSKINSON  
Date: 2024.06.05  
20:15:53 -04'00'

**TO:** Land, Chemicals, and Redevelopment Division Directors, Regions 1-10

**PURPOSE**

The purpose of this memorandum is to provide guidance to EPA Regions, states, and territories on when and how to consider potential adverse climate change impacts in the hazardous waste permitting process under RCRA. This includes recommendations for conducting climate change vulnerability screenings and assessments for treatment, storage, and disposal facilities (TSDFs) to determine whether there are climate vulnerabilities that hazardous waste permits should address.

Adverse impacts of climate change can include the frequency and intensity of extreme weather events, changing wind patterns, temperature fluctuations, increased precipitation, sea level rise, storm surges, inland and coastal flooding, bank and shoreline erosion, changes in groundwater levels and direction of flow, drought, increased risk of wildfires, and permafrost thaw. These potential impacts can threaten the resilience of engineering and other controls at TSDFs for which applicants seek permits from EPA Regions or states and territories authorized to implement the RCRA program. This memorandum identifies authorities, provides interpretations of relevant RCRA provisions, and recommends approaches to ensure that controls will provide long-term effectiveness through resilience to adverse climate change impacts into the future.<sup>1</sup>

Definitions of key terms pertaining to climate adaptation used in this memorandum are included in the attachment.

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<sup>1</sup> This document does not substitute for the statute or regulations, nor is it a regulation itself. Thus, it cannot impose legally binding requirements on EPA, states, or the regulated community, and may not apply to a particular situation based upon the circumstances. Any decisions regarding a particular situation will be made based on the statute and the regulations, and EPA and authorized state/territory decision makers retain the discretion to adopt approaches on a site-specific basis that differ from these recommendations where appropriate.

**BACKGROUND**

EPA released a Climate Adaptation Plan (CAP) in October 2021 which laid out five priority actions for the agency to implement in the coming years, including integrating consideration of climate impacts into EPA's programs, policies, rulemaking processes, and enforcement activities.<sup>2</sup> In October 2022, EPA's Office of Land and Emergency Management (OLEM) released its Climate Adaptation Implementation Plan, which included the commitment to incorporate climate adaptation into OLEM's mission, programs, and management functions.

**IMPLEMENTATION**

The 40 CFR Part 264 standards for RCRA TSDFs are designed to ensure that hazardous waste treatment, storage and disposal are conducted in a manner that protects human health and the environment (See RCRA 3004(a)). These standards are implemented through RCRA permits at permitted TSDFs. RCRA permits must ensure that facility operations will comply with these standards (RCRA 3005(c)(1)) and must contain any additional terms or conditions that EPA or the authorized state determines are necessary to protect human health and the environment (RCRA 3005(c)(3)).

The climate change impacts described above may affect what a facility needs to do to comply with the RCRA standards applicable to TSDFs. EPA expects that EPA Regional offices and authorized states and territories will consider the potential for adverse climate change impacts to affect TSDF operations in the permitting process, and that RCRA permits will include the conditions that the permitting authority determines are necessary to ensure that facility operations will be compliant and protective in the face of such impacts. Climate change adaptation considerations should be incorporated as appropriate during initial permit issuance, permit renewal, and/or permit maintenance (e.g., permit modification). The potential for climate impacts should be considered and addressed throughout the expected active life of the facility, as well as during post-closure, as appropriate, not just for the term of the permit or permit modification under consideration.

Conducting climate vulnerability screenings and analyses at TSDFs can help determine whether changes to facility permits are necessary to ensure that TSDFs are resilient to climate events and remain so into the future. For example, prior to receiving a renewal permit application, or during the process of reviewing an application for an initial permit or modification, EPA Regions, states, and territories should perform an initial climate vulnerability screening as appropriate to determine which adverse climate change impacts might apply to the facility. The vulnerability screening is a high-level screening step to determine if a site or facility is located in a geographic area at risk to adverse climate change impacts. If the results of the screening indicate that climate change impacts might plausibly impact the protectiveness of facility operations, EPA, states, and territories should conduct, or should request or require an owner or operator to conduct, a more detailed climate vulnerability assessment to determine whether adaptive measures are necessary. If an initial climate vulnerability screening indicates that adaptive measures are necessary, and no further information or analysis is needed, then the more detailed climate vulnerability assessment is not necessary. However, if the initial climate vulnerability screening indicates a plausible basis for concern and there is uncertainty as to the level of

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<sup>2</sup> For additional information, see <https://www.epa.gov/climate-adaptation/climate-adaptation-plan>.

climate risk or the adaptive measures that may be needed, then the regulator may require a climate vulnerability assessment.

#### **KEY RCRA REGULATORY AUTHORITIES RELEVANT TO CLIMATE CHANGE CONSIDERATIONS IN PERMITTING**

Several regulatory authorities support consideration of potential adverse climate change impacts on permitted activities and the development of permit conditions, as needed, to ensure that such activities will be protective of human health and the environment in the face of such impacts. Below is a list of regulatory provisions, although this is not an exhaustive list of the potentially relevant regulatory provisions.

##### **Facility Design and Operation [§ 264.31]**

Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a release of hazardous waste or hazardous waste constituents that could threaten human health and the environment. EPA Regions and authorized states/territories should consider the potential adverse climate change impacts in ensuring that this standard is satisfied. For example, more frequent storm events as well as temperature fluctuations can influence how a facility's units (e.g., containers, tanks, landfills) should be designed and operated to protect human health and the environment. Facility design and operation may need to change in the face of future climate conditions.

##### **Facility Location Standards [§ 264.18(b)]**

The RCRA regulations generally require facilities located within a 100-year floodplain to be designed, constructed, operated and maintained to prevent washout, should there be a flood. The number of facilities within a 100-year floodplain will likely increase as a result of potential adverse climate change impacts causing floodplains to expand. TSDFs located in a 100-year floodplain will need to ensure their operations comply with this requirement, and permit writers should take care to ensure that permits adequately address this requirement. These requirements should be considered during permit renewal as well as initial permit issuance. In view of changing climate conditions, it will be important to employ an approach for identifying the 100-year floodplain that considers predicted future conditions, and recent flooding events and their impact on the facility, rather than simply long-term historical data.

##### **Contingency Plans [§ 264.50 – 264.56]**

The RCRA regulations require that TSDFs have contingency plans designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. Development and review of contingency plans should consider potential adverse climate change impacts.

**Omnibus Authority under Section 3005(c)(3) [§ 270.32(b)(2)]**

The omnibus permit authority provides that “Each permit issued under section 3005 of this act shall contain terms and conditions as the Administrator or State Director determines necessary to protect human health and the environment.” EPA expects that climate change impacts can generally be addressed using more specific regulatory authorities such as those identified above. However, where permitting authorities determine that permit conditions beyond those required under these specific authorities are necessary to protect human health or the environment from potential adverse climate change impacts, the EPA Region or the state/territory has the responsibility to impose such terms and conditions by exercising their omnibus authority.

**Review of State Permits [§ 271.19]**

EPA has the authority to oversee state program implementation to ensure it is consistent with the state’s own authorized requirements. This includes the authority for EPA to comment on a draft permit. EPA can enforce the terms of the comment, even if those terms are not incorporated into the permit, if the comment indicates that the terms are necessary to implement the approved program, as provided in § 271.19(b). EPA Regions should consider potential adverse climate change impacts in evaluating the use of its comment authority.

**Agency Initiated Permit Modifications [§ 270.41(a)(2)]**

This provision authorizes the permitting authority to modify a permit based on “information [that] was not available at the time of permit issuance ... and would have justified the application of different permit conditions at the time of issuance.” Such a basis for permit modifications could include changes due to climate change-related factors (e.g., updated floodplain maps or precipitation data from federal or state sources) that may impact facility operations.

**Part B Permit Application [§ 270.14-270.28]**

The RCRA Part B permit application regulations specify information that must be submitted in permit applications. Particularly relevant are the provisions of § 270.14(11)(iii) and (iv), which relate to floodplains, and also § 270.14(19) relating to mapping and location. EPA Regions and authorized states/territories should work with facility owners and operators to ensure that Part B permit applications are prepared using up-to-date climatological data and data projections for the anticipated life of the facility. This ensures that unit-specific designs and permit conditions remain protective in the face of potential adverse climate change impacts. While not part of the specific Part B Application requirements, a general permit application requirement under § 270.10(k) provides broader authority to require additional information necessary to develop permit conditions that can be used to address climate adaptation concerns.

**CLIMATE ADAPTATION TOOLS**

RCRA climate vulnerability screening tools and assessment methodologies are currently under development. One screening tool has been released in RCRAInfo for sea level rise projections at RCRA facilities (<https://rcrapublic.epa.gov/rcra-public-web/action/posts/5>). EPA also anticipates releasing further policy and guidance regarding how permits can incorporate climate change adaptation considerations through its effort to update the RCRA Model Permit and through development of the

Updates to the RCRA Hazardous Waste Permitting Regulations and Other Technical Corrections rulemaking.

In the interim, for further information, please see the Superfund Climate Resilience website which provides an overview of climate-related initiatives within the Superfund program, with information about strategies that can be used to evaluate and strengthen climate resilience at Superfund sites. While this website offers guidance on Superfund sites, it can also help inform decisions at RCRA facilities. EPA intends to develop a climate vulnerability assessment methodology for the RCRA program, based on Superfund's methodology.

#### **CONCLUSION**

RCRA permits must be protective of human health and the environment. Climate change has the potential to impact TSDf compliance with RCRA regulatory provisions, and more broadly, the protectiveness of TSDf operations. Thus, throughout the RCRA permitting process, including issuance of initial permits, permit renewals, and permit modifications, EPA Regions and authorized states and territories should work with facilities to consider potential adverse climate change impacts in assuring that RCRA requirements are met and that RCRA permits are protective of human health and the environment in the face of those impacts.

If you have questions about this document or would like assistance with evaluating climate vulnerabilities and adaptation measures as they relate to RCRA permitting, please contact Jeff Gaines, Office of Resource Conservation and Recovery (ORCR), at (202) 566-0332 or [gaines.jeff@epa.gov](mailto:gaines.jeff@epa.gov).

**KEY TERMS PERTAINING TO CLIMATE ADAPTATION**

For purposes of this memo, key terminology<sup>3</sup> includes:

**Adaptation:** Taking action to prepare for and adjust to both the current and projected impacts of climate change.

**Adaptive Capacity:** The ability of a human or natural system to adjust to climate change (including climate variability and extremes) by moderating potential damages, taking advantage of opportunities, or coping with the consequences.

**Climate Change:** Climate change refers to changes in global or regional climate patterns attributed largely to human-caused increased levels of atmospheric greenhouse gases.

**Extreme Weather Event:** An extreme weather event is an event that is rare at a particular place and time of year. Definitions of rare vary, but an extreme weather event would normally be as rare as or rarer than the 10th or 90th percentile of a probability density function estimated from observations. By definition, the characteristics of what is called extreme weather may vary from place to place in an absolute sense.

**Resilience:** Climate resilience can be generally defined as the capacity of a system to maintain function in the face of stresses imposed by climate change and to adapt the system to be better prepared for future climate impacts.

**Vulnerability:** The degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes; it is a function of the character, magnitude, and rate of climate variation to which a system is exposed; its sensitivity; and its adaptive capacity.

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<sup>3</sup> <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 15 2016

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA

**FROM:** Barnes Johnson, Director  
Office of Resource Conservation and Recovery

**TO:** RCRA Division Directors, Regions 1-10  
RCRA Enforcement Managers, Regions 1-10  
Regional Counsels, Regions 1-10

**Purpose**

The purpose of this memorandum is to provide guidance to assist regulators in evaluating conditions at hazardous waste disposal facilities subject to Subtitle C of the Resource Conservation and Recovery Act (RCRA) that are approaching the end of the original 30-year post-closure care period, and in determining whether the post-closure care period should be adjusted or allowed to end. Any such determinations must ensure ongoing protection of human health and the environment. This guidance also provides information to assist facility owners and operators in preparing documentation to inform the regulators' evaluations.

This guidance has the additional benefit of helping regulated entities understand what may be necessary to ensure protection of human health and the environment at units subject to post-closure care requirements. This enables waste generators and handlers to have a better understanding of the costs associated with land disposal so they can better evaluate long-term waste management strategies, including waste minimization.

**Introduction and Need for Guidance**

The RCRA Subtitle C hazardous waste management regulations establish a post-closure care<sup>1</sup> period for certain hazardous waste treatment, storage and disposal facilities, and specify post-closure care activities. The post-closure care requirements apply to land disposal units (landfills, land treatment units,

<sup>1</sup> Post-closure care can be generally described as the period of time after closure during which owners and operators conduct specified monitoring and maintenance activities to preserve the integrity of the containment system and to continue to prevent or control releases of contaminants.

and surface impoundments) that leave hazardous waste in place after closure. Post-closure care also applies to some non-land-based units (e.g., certain tanks or containment buildings) that cannot fully decontaminate or “clean close”<sup>1</sup> all equipment, structures, and soils. Post-closure care activities consist of two primary responsibilities: monitoring and reporting, and maintaining the integrity of the waste containment systems (see 40 CFR 264/265.117). Post-closure care for each hazardous waste management unit must begin after completion of closure of the unit and normally continue for 30 years after that date; the regulations also provide discretion to the permitting authority to adjust the length of the post-closure care period.

Many facilities around the country are approaching the end of the initial post-closure care period established in their RCRA permits or post-closure plans. Accordingly, questions have arisen about how to evaluate conditions at these facilities to determine whether the post-closure care period needs to be adjusted – that is, extended, or whether a 30-year post-closure care period is protective for a specific unit. In response, the Office of Resource Conservation and Recovery has developed this guidance recommending criteria to consider when evaluating facilities nearing the end of the post-closure care period<sup>2</sup> and thus ensure that human health and the environment will continue to be protected by the resulting determination. It also sets forth a recommended process for evaluating the post-closure care period in a timely fashion. Finally, this guidance discusses additional considerations that may be important for decision-makers when evaluating the adequacy of the post-closure care period.

This guidance supplements existing guidance on the post-closure care period, including the Technical Evaluation Criteria and Site-Specific Factors to Consider in Determining the Length of the Post-Closure Care Period, presented in the Appendix B of the *RCRA Guidance Manual for Subpart G Closure and Post-Closure Care Standards and Subpart H Cost Estimating Requirements* of January 1987.<sup>3</sup>

## **Regulatory Overview of the Post-Closure Care Period**

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<sup>1</sup> The RCRA Subtitle C regulations generally provide for two types of closure: closure by removal or decontamination (referred to as “clean closure”) and closure with waste in place. The premise of clean closure is that all hazardous wastes have been removed from a given RCRA unit and any releases at or from the unit have been remediated. More information on clean closure is available in *Memorandum: Risk-Based Clean Closure* from Elizabeth Cotsworth, Acting Director Office of Solid Waste, March 16, 1998.

<sup>2</sup> This document is solely intended to provide guidance to federal and state regulators on implementing the RCRA Subtitle C regulations and to provide policy advice and recommendations. As such, this document does not impose any legally binding requirements, and the use of such phrases as “guidance,” “recommend,” “may,” “should,” and “can,” are not intended to impose or connote any legal obligations. Accordingly, this document does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally enforceable. The policies described in this document may not apply to a particular situation based upon the circumstances, and EPA may deviate from or revise any of the policies described in this document without prior notice to the public. While EPA has made every effort to ensure the accuracy of the discussion in this document, the obligations of the regulated community are determined by statutes, regulations or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling.

<sup>3</sup> OSWER Policy Directive #9476.00-5, EPA/530-SW-87-10.

EPA regulations<sup>4</sup> require that the post-closure care period for each hazardous waste management unit subject to the requirements of 40 CFR 264/265.117 through 264/265.120 must begin after completion of closure of the unit and continue for 30 years after that date. Still, the regulations' identification of a default 30-year post-closure care period does not reflect a determination by EPA that 30 years of post-closure care is necessarily sufficient to eliminate potential threats to human health and the environment in all cases. Nor is the full 30-year period always necessary. In fact, the regulations provide for a permit authority to conduct a case-by-case review of the post-closure care period and establish arrangements to adjust the length of the post-closure care period on a facility or unit-specific basis, where the record supports a determination that the revised post-closure care period will remain protective of human health and the environment.<sup>5</sup>

The regulations provide that the decision to alter the length of the post-closure care period can be made at any time preceding *partial closure*<sup>6</sup> of a hazardous waste management unit subject to post-closure care; at any time preceding *final closure*<sup>7</sup> of a facility; or at any time during the post-closure care period for a particular unit. For permitted facilities, such a decision must be made through the permit renewal or modification procedures in parts 124 and 270 of the regulations. For interim status facilities, adjustment to the post-closure care period must be made in accordance with § 265.118(g).

According to § 264.117 the post-closure care period may be modified under certain circumstances provided the modifications are protective of human health and the environment:

- The post-closure care period may be shortened where “the reduced period is sufficient to protect human health and the environment (*e.g.*, leachate or ground-water monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure).”
- The post-closure care period may be extended where “the extended period is necessary to protect human health and the environment (*e.g.*, leachate or ground-water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health or the environment).”

The provisions for interim status facilities are similar [§§ 265.117 and 265.118(g)].

For more details on particularly relevant portions of the federal RCRA hazardous waste regulations, see Appendix A.

### **Criteria to Consider for Evaluating the Post-Closure Care Period**

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<sup>4</sup> 40 CFR 264.117 (for permitted facilities) and 265.117 (for interim status facilities)

<sup>5</sup> EPA explained this approach early in the RCRA program. *See* 45 Fed. Reg. 33197 (May 19, 1980); *see also* 47 Fed. Reg. 32287-88 (July 26, 1982); 46 Fed. Reg. 2819 (Jan. 12, 1981).

<sup>6</sup> *Partial closure* is defined in 40 CFR 260.10 as “the closure of a hazardous waste management unit in accordance with the applicable closure requirements of parts 264 and 265 of this chapter at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.”

<sup>7</sup> *Final closure* is defined in 40 CFR 260.10 as “the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under parts 264 and 265 of this chapter are no longer conducted at the facility unless subject to the provisions in § 262.34.”

An overarching consideration in determining whether to extend the post-closure care period, or allow it to end, is the inherent uncertainty associated with the long-term presence of hazardous waste in the unit. Because many hazardous wastes degrade slowly or do not degrade under containment in these units, the continued presence of hazardous waste in the unit (*i.e.*, any case other than clean closure) indicates the potential for unacceptable impacts on human health and the environment in the future if post-closure care is not maintained. For instance, there are often uncertainties in whether controls will continue to function as planned and whether future activities will lead to unplanned exposures to human and environmental receptors. Even if there is no current evidence of actual releases from the facility, significant factors can change over time. For example, groundwater flow can change direction due to the sequencing of dry and wet years, pumping at municipal water supply or other well fields, or shifting gradients resulting from seasonal variations or tidal influences. Landfill components, such as caps and liners (which have a finite design life), can degrade over time, especially if maintenance is discontinued. Exposure pathways that have been eliminated by means of an engineered control may be reopened (*e.g.*, if animals burrow through the cap). Thus, continued monitoring and maintenance activities may be appropriate unless or until it can be demonstrated that site-specific conditions adequately minimize the risk that contaminants will migrate from the unit (*e.g.*, site geology/hydrogeology) or that, in the event the engineering controls fail, a release would not pose an unacceptable risk to human health and the environment. This section provides recommended criteria that can be used to evaluate site-specific conditions and associated risks or remaining uncertainties in determining whether to adjust the post-closure care period.

These criteria can also be periodically used to evaluate whether activities in the post-closure plan should be amended. For instance, if the regulator determines it is necessary to extend the post-closure care period, these criteria can be used to determine if the frequency of one or more post-closure care monitoring requirements could be reduced during that extended timeframe. Each criterion is not necessarily applicable for every unit in post-closure care, for example, the "Gas Collection System Integrity" criterion would not apply to units without a gas collection system. The questions provided under each criterion are intended to help identify potential threats to human health and the environment. However, they do not all need to be answered in order to make a decision concerning the appropriate post-closure care period and the monitoring/maintenance activities.

***Waste Treatment:*** Knowing whether the hazardous waste was disposed prior to the effective date of the Land Disposal Restrictions (LDR) program is an important piece of information when evaluating site-specific conditions. Hazardous waste treatment that destroys harmful contaminants or reduces toxicity of the waste before placement in a land disposal unit provides a more lasting form of groundwater protection than waste containment alone. Similarly, through a process called stabilization or immobilization, metal contaminants – that cannot be treated – can be chemically and physically solidified or bound into the wastes that contain them (*e.g.*, through chemical fixation). Thus, reducing the mobility or leachability of hazardous constituents in a waste is another means of achieving LDR's groundwater protection goal. Relevant questions for this criterion include:

- Were all the wastes pre-treated in accordance with the treatment standards of the LDR program or does the unit contain wastes that were placed on the land prior to the effective dates of the LDR rules?

EPA recommends reviewing the waste analysis data for treated wastes in the land disposal unit.

**Nature of Hazardous Wastes Remaining in the Unit:** The current properties of the hazardous waste (*e.g.*, degradation, solubility, liquid-to-solid ratio) provide an important indication of the waste's ability to migrate or disperse in the environment.

- What is the degree of risk (*e.g.*, exposure pathways, probability of exposure) presently associated with the wastes in the unit?
  - Are the wastes highly toxic?
  - Do they degrade into substances that are more or less toxic, or non-toxic?
  - Are there indications that the waste might become incompatible with the liner?
- What is the potential for adverse impacts from releases based on the current understanding of contaminant fate and transport considerations (*e.g.*, presence of persistent, bioaccumulative contaminants, as compared to biodegradable contaminants; constituent speciation(s); and leaching profiles)?
- Is the waste in a stable state? Are there indications that the waste may become unstable?

EPA recommends that current data from regulatory standards be used for comparison to facility-specific performance goals articulated in the post-closure plan, and that, as necessary, the plan be updated to account for any new information on toxicity and carcinogenicity. EPA also recommends reviewing and possibly updating the list of constituents to analyze, since scientific understanding of constituents of concern may change over time. In addition, the data gathered should include an analysis of potential degradation products as well as of the types of wastes known to have been placed in the unit(s).

**Unit Type/Design:** The main objective of the disposal units is the containment of the hazardous waste. Thus, emphasis should be placed on the unit's ability to contain hazardous wastes over the long term.

- Is the unit, for example, a landfill, a surface impoundment, or a closed tank with residual contamination?
- Does the unit meet the minimum technology requirements (*e.g.*, double liners, leachate collection system)? Or was the unit already in existence at the time these requirements were promulgated and closed before retrofitting?
- To what extent does the overall design and construction of the unit minimize the need for long-term maintenance, resist the generation of leachate and emissions, and contain any remaining waste in perpetuity?

It is recommended that the permitting authority consider any unit-specific design, in concert with applicable closure and post-closure care requirements, when evaluating whether adjustment of the post-closure care period is warranted to protect against any potential impact on human health and the environment. There can be circumstances in which continuing to maintain unit-specific controls may be necessary to protect human health and the environment, particularly if the unit pre-dated the minimum technology requirements; this could support a decision to extend the post-closure care period. Conversely, there might be circumstances where the overall design and construction of the unit minimize the need for long-term maintenance and could support a decision to shorten or end the post-closure care period.

**Leachate:** The leachate collection and removal system controls leachate build-up on the liner, working in conjunction with the liner's barrier system to minimize the potential for groundwater contamination.

Monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (*e.g.*, it can suggest a cover or liner failure when leachate is detected late in the post-closure care period).<sup>8</sup>

- Will the integrity and functionality of the leachate collection system, leachate generation rate, and leachate quality remain adequate to prevent harm to human health or the environment in the absence of post-closure care?
- Can the facility owner or operator show through monitoring/modeling and/or statistical analysis that the leachate would not pose a threat to human health and the environment because it would not exceed applicable standards at compliance or exposure points?
- Is it likely those standards will be exceeded in the future, for example, through formation and release of degradation products? Do the data demonstrate that there are no increasing trends in the concentration of leachate constituents?
- Can the facility owner or operator demonstrate that maintenance and operation of the leachate collection system can be ceased without posing a threat to human health and the environment?

EPA recommends that potential impacts from changes in leachate characteristics and generation rate that could result from discontinued maintenance be considered.

***Groundwater:*** Groundwater monitoring serves as the primary means of detecting leachate releases and groundwater contamination. It is important that groundwater analytical results, adequacy and reliability of the groundwater-monitoring network, and groundwater-monitoring well integrity be evaluated before the post-closure care period nears its end.

Groundwater should not exceed risk-based concentrations for a reasonable exposure scenario (or point of exposure) using currently acceptable risk assessment methods and up-to-date risk-based levels and scenarios. If the evaluation determines that unacceptable risk exists, these risks should be addressed. The risk evaluation should consider reasonable current or future groundwater use in the general area of the site (*e.g.*, if a drinking water source is located nearby).

Review of the groundwater monitoring system should have been done as part of operation and maintenance inspections over time. Evaluation of the groundwater monitoring network should refer to the most recent operation and maintenance inspection. The well network evaluation should look at groundwater flow direction, well construction, and placement relative to groundwater flow direction.

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<sup>8</sup> "If leachate is generated late in the post-closure care period, this could suggest a cover or liner failure warranting an extension of the post-closure care period." See page B-13 of the RCRA Guidance Manual for Subpart G Closure & Post-Closure Care Standards and Subpart H Cost Estimating Requirements, EPA/530-SW-87-010 (January, 1987).

- Is groundwater quality in compliance with current standards?
- Have there been changes or are changes anticipated in land use/groundwater use that could change the applicable standards (*e.g.*, introduction of agricultural irrigation to an area) or the directional flow (*e.g.*, sequencing of dry and wet years, pumping at municipal water supply or other well fields, or shifting gradients resulting from seasonal variations or tidal influences)?
- Do the data indicate any trend in the concentration of analytes in groundwater?
- Has an expanded list of analytes (*e.g.*, selected from Appendix VIII of 40 CFR part 261) been considered for analysis within a reasonable time frame?
- Have the monitoring wells been maintained to provide valid data, for example, no well screen occlusion?

**Siting and Site Geology/Hydrogeology:** Relevant facility location characteristics (which might have changed since the post-closure plan was approved) may include proximity to vulnerable areas such as residential areas and surface and drinking water sources. The current and reasonably anticipated future land use of the facility and surrounding properties may also be relevant. Location in potentially vulnerable areas increases the likelihood and potential severity of releases. For example, if units are located in areas prone to flooding or with a high water table, it may be appropriate for reviewers to consider the potential for continuing risks to surface water in evaluating whether to modify the post-closure care period. Conversely, units located in areas not prone to flooding, or at great distance from the water table, might have less need for long-term maintenance. Additional hydrologic and geologic conditions such as wetlands and earthquake zones, unstable soils, and areas at risk for subsurface movement could have changed since a unit first entered post-closure care and might also need to be taken into account. Proximity to residential areas can also present unique considerations. It is also appropriate to consider whether facility conditions minimize the potential for adverse impacts on local populations if there is a release from the unit.<sup>9</sup>

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<sup>9</sup> If a unit managing vapor-forming chemicals has releases to the environment, it creates the potential for vapor intrusion issues to neighboring communities due to migrating plumes of contaminated groundwater or migrating soil gases, even when the community is some distance away. Consider evaluating risks from subsurface intrusion of toxic constituents (*e.g.*, vinyl chloride from aerobic degradation of perchloroethylene/trichloroethylene), or landfill gases such as methane and hydrogen sulfide, into buildings or structures located near the unit in post-closure care. See the *Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air*, June 2015.

- Does the site geology include subsurface strata that might contain or retard migration?
- What is the distance to the groundwater table, bearing in mind seasonal fluctuations, and the proximity of any useable aquifers?
- Is the unit located in a dry climate that provides minimal precipitation?
- Is the pattern of land use changing or likely to change in the future in a way that would bring people closer to or farther away from the facility?
- Have zoning laws changed?
- Is there a sizable buffer zone around the facility that could limit human activity near the site into the future?
- What is the distance to sensitive receptors for groundwater flow and emissions?
- Could the distance to sensitive receptors change under reasonably foreseeable future conditions, as reflected, for example, in land use development plans for the area?
- Is there the potential for impact on surface water quality?
- Have new potential exposure pathways been identified and evaluated? For example, vapor intrusion had not been identified as a potential exposure pathway at the time many permits were issued.<sup>11</sup>

In addition, EPA recommends that the potential effects of climate change be taken into account in making these assessments.<sup>10</sup> For example, flooding from more intense and frequent storms and sea-level rise may lead to contaminant releases from units subject to post-closure care requirements by transport of contaminants through surface soils, groundwater, surface waters and/or coastal waters. Saltwater intrusion and increased groundwater salinity in coastal aquifers may increase the permeability of clay liners installed at waste sites, such as landfills. Changes in precipitation patterns and temperature may also adversely affect the performance and efficacy of engineering controls.

*Facility History:* All waste management units (during active life or in post-closure care) must be adequately managed to prevent releases of contaminants to the environment. A well-managed facility is more likely to maintain its structural integrity. Good compliance records, routine maintenance and inspections, emergency procedures to handle natural disasters, and prompt and efficient response to spills and other incidents, are some of the management practices that help demonstrate whether the unit has been adequately managed.

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<sup>10</sup> For more information on climate change adaptation consult the "Climate Change Adaptation Technical Fact Sheet: Landfills and Containment as an Element of Site Remediation," EPA 542-F-14-001 (May 2014).

- From the facility records (including frequency of all maintenance activities), to what extent did the unit closure design and activities described in the closure plan and closure certification minimize the need for ongoing monitoring and maintenance?
- Has past noncompliance with regulatory requirements contributed to present environmental conditions that warrant an extension of the post-closure care period (*e.g.*, non-compliance with current LDR standards)?
- Is there a history of any releases and what are current contaminant levels?
- If a release did occur, have corrective measures been successfully implemented and has subsequent monitoring shown no evidence of a recurrence?
- Are analyses being conducted for the correct parameters?
- How complete and accurate is the facility operating record?
- Is there confidence that the record accurately reflects spills, releases, lapses in maintenance or other events that may have a bearing on potential facility impacts?
- To what extent have closure activities minimized or eliminated escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, surface waters or the atmosphere during the post-closure care period?

In order to fully understand the facility history, EPA recommends that the permit authority also review the closure plan and certification of closure.<sup>11</sup>

***Gas Collection System Integrity:*** For units that have a landfill gas collection system, it is important to analyze the extent to which it is capable of being modified or shut down at the end of the post-closure care period without exceeding emission levels that are consistent with applicable regulatory standards and with public safety at the facility. In addition, because gas emissions can increase or decrease over time, it is recommended that statistical or graphical analysis of the data be used to identify any significant changes in gas emissions.

- To what extent is the gas collection system capable of being modified or shut down at the end of the post-closure care period without exceeding emission levels that are consistent with applicable regulatory standards and with public safety at the facility?

***Integrity of Cover System:*** A viable cover is the most important mechanism in preventing leachate generation and, ultimately, releases of contaminants. Cracks, burrows from animals, and other problems are likely to occur after termination of post-closure care. If testing and inspection end, problems can go undetected and releases could occur. Thus, it is vital to evaluate the performance of the cover system during the post-closure care period.

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<sup>11</sup> For further information on closure performance standards, see 40 CFR 264.111 and 265.111.

- Has the cover system been designed and maintained to minimize migration of water into the management unit and to prevent contaminants from escaping into the environment?
- Has periodic testing or inspection been conducted to identify and assure any necessary repairs? Potential concerns include differential settlement, problems with cover integrity (cracks, burrows, etc.), cover drainage, and the adequacy of the diversion or drainage system. Even where such problems have not occurred, are they likely to arise without long-term care, *e.g.*, will the cover system remain intact without mowing to prevent growth of trees?
- Is the remaining waste likely to be so benign that even with a compromised cover system release of hazardous constituents is unlikely?
- To what extent will the integrity of the cover system be preserved in the absence of long-term care or with reduced maintenance requirements?

For alternative covers, it is recommended that the potential effects of climate change (*e.g.*, increasing frequency and intensity of weather events) be taken into account to the extent practical. For example, will the vegetation remain viable under altered precipitation patterns?

*Long-Term Care:* The concept of long-term care (also known as long-term stewardship) generally includes the establishment and maintenance of physical and legal controls that are necessary to prevent unacceptable exposure to hazardous waste or contaminated environmental media left in place at a site or closed facility. As a general matter, the RCRA post-closure care requirements (for example, monitoring and cap maintenance) fall under the umbrella of long-term care. When considering whether to adjust the post-closure care period, permitting authorities should evaluate any continuing need to maintain engineering controls (ECs),<sup>12</sup> particularly those specified in the RCRA post-closure care regulations.

- How will the potential for human exposure to contamination be minimized in the absence of RCRA post-closure care?
- How is the integrity of the entire containment system going to be preserved over time?
- Can maintenance and monitoring activities cease or be reduced without causing an adverse impact to human health and the environment?

A further need to maintain ECs could justify an extension of the post-closure care period. This may be the case even if the frequency of some activities could be adjusted (*e.g.*, some activities may be needed more frequently in the early years of the post-closure care period and less frequently later).

The RCRA post-closure care regulations provide for the imposition of institutional controls (ICs)<sup>13</sup> as well. For example, §§ 264/265.117(c) provides that post-closure uses of a property where hazardous wastes remain after final or partial closure must never be allowed to disturb the integrity of the containment system or the functioning of the monitoring system, with limited exceptions. In addition, §§ 264/265.119(b)(1)(ii) provide that the owner or operator must record a notation, in accordance with state law, on the deed to the facility property – or on some other instrument which is normally examined during title search – that will in perpetuity notify any potential purchaser of the property that, among other things, the property's use is restricted under the RCRA closure/post-closure regulations. States can

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<sup>12</sup> Engineering controls are the engineered physical barriers or structures (*e.g.*, caps, impermeable liners, mitigation barriers, or fencing) designed to monitor and prevent exposure to the contamination.

<sup>13</sup> Institutional controls are administrative or legal instruments (*e.g.*, deed restrictions/notices, easements, restrictive covenants, zoning) intended to minimize the potential for human exposure to contamination by limiting land or resource use.

choose to supplement or support such deed restrictions under state law, *e.g.*, by setting up a deed restriction tracking system, ensuring that deed restrictions remain in place, or ensuring that information on existing ICs is available to interested parties.

Even in cases where the post-closure care period need not be extended to protect human health and the environment, the permitting authority may want to ensure that some long-term ICs, such as an easement that provides access to the property, are continued. EPA recommends that any ICs (under state or local authority) needed beyond the post-closure care period be in place before the post-closure care period ends. EPA expects that the permit authority would typically need to assess the availability and adequacy of other potential mechanisms for overseeing ICs as part of evaluating whether any modification to the post-closure care period was warranted.

EPA also recommends that consideration be given as to whether a funding source is available to support any necessary ECs and ICs in the future (see Appendix B for a list of ICs resources.) This could be done, for example, as part of an anticipated future use (or end-use strategy) that generates revenue, so that protective controls at the unit can be continued while supporting beneficial reuse of the land into the future.

### **Recommended Approach for Reviewing Hazardous Waste Management Units Approaching the End of the Post-Closure Care Period**

EPA believes that, at a minimum, it is important to make a decision about the length of the post-closure care period, and to document such decision, well before that period nears its end. Therefore, EPA recommends that regulators assess the overall status of all the units under post-closure care, and plan to evaluate the adequacy of their post-closure care periods well in advance of their anticipated conclusions. EPA also recommends that the results from the evaluation of the post-closure care period be included in the regulator's administrative record for the facility.

As stated before, the federal RCRA hazardous waste regulations provide discretionary authority to the permitting authority to extend or shorten the length of the post-closure care period. However, the facility owner or operator is responsible for providing the information necessary to support this decision (see, for example, 40 CFR 270.30(h), Duty to provide information). A lack of relevant and complete information may justify a conclusion by the regulatory authority that extension of the post-closure care period is necessary to protect human health and the environment until such information is provided.

EPA's recommendations for evaluating units approaching the end of the post-closure care period are discussed in more detail below.

***Timing:*** Regulators should track permit terms and dates of all post-closure permits and have a strategy for when they will begin looking at whether to adjust the post-closure care period, allowing enough time for the necessary steps to take place prior to the 30-year expiration:

- Identify and gather necessary information
- Evaluate information
- Decide whether to adjust the post-closure care period
- Incorporate tentative decision into permit renewal (or modification) process.

For units with operating permits, EPA recommends starting the process at least 18 months before the expiration of the post-closure permit or post-closure care period, whichever comes first. It is important to keep in mind that in accordance with § 270.1(c) units subject to post-closure care must have post-closure permits or an enforceable document in lieu of a post-closure permit and, under § 270.50, permits can be issued for no longer than ten years. Consequently, over the course of a 30-year post-closure care period, the permit would normally need to be renewed at least twice (unless the post-closure care period has been modified). In addition, for a permitted land disposal facility, the length of the post-closure care period is an important component of the five-year review required under § 270.50(d). The facility owner or operator may also initiate the post-closure care evaluation and/or modification process by submitting a permit modification. Similarly, regulators should evaluate petitions to end or shorten the post-closure care period in a timely manner.

For facilities conducting post-closure care under interim status, regulators might want to adopt time frames for review similar to those of permits (*e.g.*, every ten years) to initiate the process of identifying and gathering relevant information. At a minimum, they should evaluate the adequacy of the post-closure care period well in advance of its end date. The facility owner or operator may also initiate the process by submitting a revision to their post-closure plan, including a petition in accordance with § 265.118(g)(1).

***Post-Closure Plan:*** When considering adjusting or ending the post-closure care period, regulators should request a copy of the most current version of the approved post-closure plan, along with any proposed revisions provided by the owner or operator. Under §§ 264.118(b) and 265.118(c), the post-closure plan identifies certain activities (and their frequency) that must be conducted during the post-closure care period (*e.g.*, monitoring and maintenance). The post-closure plan may also identify performance standards or performance goals, which should be updated to account for any new information on toxicity and carcinogenicity. The post-closure plan thus provides an important starting point for the review. The project file should have a history of permit modifications including those made to the post-closure plan. It is also important that the results of the post-closure period assessment be incorporated into a revised post-closure plan (and the permit), as appropriate.

***Relevant Information:*** As part of the review of the post-closure plan and any relevant historical information, regulators should determine whether they possess the information necessary to adequately evaluate the conditions at the unit so that a decision about the post-closure care period can be made. Relevant information may include monitoring reports, results from testing or inspections of the cover system, information concerning land use and institutional controls, and any other information that would be helpful in determining whether post-closure care continues to be needed for the unit. The absence of adequate information (*e.g.*, to address unresolved risk issues), including failure of the permittee to provide necessary information, will make it difficult for the permitting authority to conclude that allowing the post-closure period to end or shortening the post-closure care period meets the regulatory standard. The permitting authority can conclude that an extension of the post-closure care period is necessary to protect human health and the environment until the information necessary to make a final determination is available. Any proposal to adjust the post-closure care period should be supported by adequate data and analysis to demonstrate the anticipated long-term performance of the unit. To account for cyclical fluctuations in weather and hydrology, EPA recommends that multiple-year performance data be considered (*e.g.*, ten years).

The recommended criteria outlined in the previous section are also relevant to inform deliberations on whether and what additional information about the facility is necessary.

If information becomes available indicating changing circumstances that might necessitate the need to revisit the post-closure care (e.g., monitoring results show leaching) it is recommended that the regulator immediately request any additional information needed from the facility owner or operator to inform a decision about adjusting the post-closure care period. This can be accomplished through various means, including under the facility's permit terms (e.g., under § 270.30(h), the permit holder has a duty to provide relevant information and records; under § 270.30(k)(4), monitoring results must be reported at intervals specified in the permit); through enforcement of the relevant interim status regulations; or through inspections or studies required pursuant to RCRA sections 3007 or 3013.

**Expiration/Renewal of Post-Closure Permits:** Permits are issued for a fixed term not to exceed ten years, which means post-closure permits will need to be renewed periodically throughout the post-closure care period (e.g., a 30 year period could span three permit terms). Renewal applications must be submitted 180 days before the expiration date of an effective permit (see § 270.10(h)). Frequently, facility owners or operators do not submit a renewal application as they approach the permit's expiration date because they believe they will submit an acceptable certification that they have completed post-closure care for the unit(s). If, towards the end of the permit term, the permitting authority has not received a permit renewal application from the facility or if the permitting authority anticipates that there may be any issues regarding the acceptability of the certification of completion of post-closure care, EPA recommends that the regulatory authority remind the owner or operator that the regulations require the facility to provide the required certification or reapply for a permit, and request submission of the permit renewal application (see §§ 270.10(h) and 270.30(b)). Timely submission of an application for permit renewal will ensure that a valid permit is in effect (pursuant to § 270.51) pending a resolution. If a facility owner or operator does not submit a timely renewal application, and the permit is not administratively continued, the regulator may consider initiating an enforcement action or issuing a new permit (see § 270.51(c)).

**Public Participation:** Any potential adjustments to the length of the post-closure care period are subject to requirements for involving the public. For permitted facilities, extensions to the post-closure care period would be processed as a Class 2 modification, and reductions would be Class 3. In both cases, the regulator must provide public notice, hold a public meeting, and allow an opportunity for written comments to be submitted. Similarly, for adjustments in the length of the post-closure care period at interim status facilities, the regulator must provide public notice and an opportunity for written comments. Although there is no specific provision in the regulations to notify the public when a post-closure care period ends, we recommend that the regulatory authority consider providing notice to the local community when they release a facility owner or operator from their post-closure care obligation.

**Financial Assurance Requirements:** Finally, permitting authorities should keep in mind that an adjusted post-closure care period may also necessitate revisions to the associated post-closure cost estimate and financial assurance.

### **Additional Considerations**

**Benefits of Post-Closure Permits:** Permits are site-specific legal documents that establish the technical and administrative conditions to which a facility must adhere, in order to ensure that monitoring and maintenance activities are performed to prevent and address releases that could potentially threaten

public health and the environment and lead to cleanup obligations.<sup>14</sup> Thus, it is critical that any modifications to the permit are made, as necessary, to ensure they are complete and current. Permits are issued in, at most, ten-year increments to ensure they are periodically reviewed and requirements are updated as necessary. Additionally, facility owners and operators may request modifications to a permit. Although there are resources associated with permit maintenance, permits provide numerous benefits and protections such as:

- **Basic Permitting Requirements** – Permits are subject to the regulations governing facility permitting as set forth in 40 CFR part 270, which covers basic EPA permitting requirements, such as application requirements, standard permit conditions (*e.g.*, duty to comply, duty to reapply, duty to provide information), and monitoring and reporting requirements (*e.g.*, annual monitoring reports, compliance schedules).
- **Unit-Specific Informational Requirements** – Where applicable, owners or operators of a permit must submit information including detailed plans and engineering reports under § 270.14(b)(13).
- **Financial Assurance** – The owner or operator of a permitted unit must establish and maintain financial assurance. At facilities with units in post-closure, requirements include financial assurance for post-closure care in accordance with the approved post-closure plan for the facility, for as long as the unit remains subject to RCRA post-closure care requirements, including the post-closure permit requirement (§ 264.145).
- **Corrective Action** – Section 264.101 requires that all permits include requirements for facility-wide corrective action as necessary to protect human health and the environment.
- **Enforceability** – The permitting authority can enforce RCRA permit requirements including through facility inspections, record reviews, and other means. Section 270.28 provides that the permittee shall allow the regulatory authority to perform inspections at the facility.
- **Public Participation** – The permitting process of 40 CFR parts 270 and 124, and the permit modifications procedures in § 270.42 provide for public involvement. The public has the opportunity to comment on a facility's closure and post-closure plans as part of the initial permitting process and any amendments made to the plans as part of the permit modification procedures.
- **Additional Conditions** – Section 3005(c)(3) of RCRA (codified at 40 CFR 270.32(b)(2) and commonly referred to as the "omnibus authority"), allows for additional site-specific permit conditions to be incorporated into RCRA permits, should such conditions be necessary to protect human health and the environment.
- When permits incorporate the technical requirements contained in parts 264, 266, and 267 of the regulations, those permit conditions are not subject to challenge (*i.e.*, a number of permit conditions are required by the regulations themselves).
- Permit requirements cannot be terminated merely by sale of the property or bankruptcy of the owner or operator.

**Relationship of Subpart F Corrective Action and Post-Closure Care:** Corrective action and post-closure care requirements for a regulated unit may be linked, for example, in the case of groundwater

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<sup>14</sup> Owners and operators of units subject to post-closure care, must have post-closure permits, "unless they demonstrate closure by removal or decontamination as provided under § 270.1(c)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (c)(7) of this section" (see §270.1(c)).

monitoring and/or corrective action for releases from closed regulated units being handled pursuant to 40 CFR 264.90–264.100. In many cases, it may be desirable (either by the facility owner/operator, the regulatory agency, or both) to coordinate the post-closure care and monitoring/corrective action requirements. EPA recommends that the regulatory agency consider extending the post-closure care period (and associated permits or other enforceable documents) when corrective action continues beyond the original post-closure care period (see §§ 264.90(c)(3) and 264.96(c)).

***Post-Closure Rule:***<sup>15</sup> This rule amended the regulations applicable to facilities with land disposal units in two areas. First, it modified the requirement for a post-closure permit to provide EPA and the authorized states discretion to use a variety of authorities to address the post-closure period at non-permitted facilities. In addition, it amended the regulations governing closure of land-based units to allow EPA and the authorized states to address those units through the corrective action program in certain situations where regulated units and other solid waste management units have contributed to a release.

***Scope of Guidance and Relationship to Existing Guidance:*** This document is not intended to provide guidance on decisions to extend or shorten the post-closure care period for *non-hazardous* waste units (*i.e.*, units regulated under RCRA Subtitle D), nor is it intended to replace existing guidance concerning establishment and attainment of remedial goals at contaminated facilities addressed under RCRA Subtitle C authority. This guidance is meant to supplement any existing guidance on the post-closure care period, and should be used in concert with the Technical Evaluation Criteria and Site-Specific Factors to Consider in Determining the Length of the Post-Closure Care Period, presented in the Appendix B of the *RCRA Guidance Manual for Subpart G Closure and Post-Closure Care Standards and Subpart H Cost Estimating Requirements* of January 1987.<sup>16</sup> This document provides additional considerations and factors that are not included in the 1987 guidance, such as vapor intrusion, updated toxicity values, and climate change considerations – although the updates presented in this guidance are not intended to be comprehensive.

***Relationship to State Authorities:*** Under RCRA, states may apply to, and receive from EPA, authorization of a state program to operate in lieu of the federal RCRA hazardous waste program. *These state programs may be broader in scope or more stringent than EPA's RCRA hazardous waste regulations, and requirements can vary from state to state.* Members of the regulated community are encouraged to contact their state agencies for the particular post-closure care requirements that apply to them in any particular state.

For additional information, feel free to contact me, or your staff may contact Lilybeth Colon (colon.lilybeth@epa.gov, 703-308-2392) or Tricia Buzzell (buzzell.tricia@epa.gov, 703-308-8622).

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<sup>15</sup> See *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process*; Final Rule, October 22, 1998 (63 FR 56710).

<sup>16</sup> OSWER Policy Directive #9476.00-5, EPA/530-SW-87-10. Appendix B of this guidance presents technical factors to consider in determining the length of the post-closure care period as well as a number of hypothetical scenarios illustrating how site-specific information might be used to support an extension or reduction in the length of the period.

## Appendix A: Overview of Federal Regulatory Provisions

Regulations governing RCRA post-closure care are set forth in 40 CFR part 264 subpart G for permitted facilities and part 265 subpart G for interim status facilities. Additional requirements for post-closure care of specific types of units are included in the regulations for those units. See §§ 264/265.197 (Tank Systems); §§ 264/265.228 (Surface Impoundments); §§ 264/265.258 (Waste Piles); §§ 264/265.280 (Land Treatment Units); §§ 264/265.310 (Landfills); § 264.603 (Miscellaneous Units); §§ 264/265.1102 (Containment Buildings); and §§ 264/265.1202 (Hazardous Waste Munitions and Explosives Storage).

Regulations governing financial assurance for post-closure care are set forth in 40 CFR part 264 subpart H for permitted facilities and part 265 subpart H for interim status facilities.

Regulations governing facility permitting are set forth in 40 CFR part 270.

Post-Closure Care – Sections 264.117(a) and 265.117(a) establish general requirements for post-closure care and a 30-year post-closure care period. However, the regulations also allow the permitting authority to shorten the 30-year post-closure care period if the reduced period is sufficient to protect human health and the environment, or to extend it, if necessary (see the *Post-Closure Plan Amendment* section for more details). Sections 264.117(a)(2)(i) and 265.117(a)(2)(i) provide the following examples for shortening the post-closure care period: “...(e.g., leachate or groundwater monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure).”

Sections 264.117(a)(2)(ii) and 265.117(a)(2)(ii) provide the following example for extending the post-closure care period: “...(e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).”

Post-Closure Plan – Under §§ 264.118 and 265.118, the owner or operator of specified units must have a written post-closure plan. The plan must identify monitoring and maintenance activities that will be carried out after closure, and their frequency, to assure compliance with the requirements of specific subparts, including subparts F, K, L, M, N and X, where applicable. For permitted facilities (§ 264.118(a)), the post-closure plan must be submitted with the permit application and approved by the permitting authority as part of permit issuance procedures. The approved post-closure plan becomes a condition of any RCRA permit issued (see the *Post-Closure Plan Amendment* section for more details). For interim status facilities (§ 265.118), the owner or operator must submit the post-closure plan to the permitting authority within specified time frames, and the regulations provide for making the post-closure plan available to the regulatory authority.

Procedures for Post-Closure Plan Amendment – For permitted facilities, the process for making changes to the post-closure plan is through permit modification (permit modification procedures are set forth in § 270.42). Under § 264.118(d)(1), the owner or operator may submit a written notification or request for a permit modification to amend the post-closure plan. Under § 264.118(d)(2), the owner or operator must submit a written notification of the permit modification or request for a permit modification to authorize a change in the approved post-closure plan under certain circumstances. Specific reasons set forth in the regulations include changes in operating plans or facility design that affect the approved post-closure plan, and

events occurring during the active life of the facility that affect the approved post-closure plan. For interim status facilities, § 265.118(d) prescribes procedures for amending the post-closure plan. The permitting authority may also request modifications to the post-closure plan under §§ 264.118(d)(4) and 265.118(d)(4).

*Procedures for Post-Closure Care Period Adjustment* – Adjustments to the post-closure care period may be initiated at any time preceding partial or final closure or at any time during the post-closure care period of a particular unit. For interim status facilities, § 265.118(g) prescribes a process for extending or shortening the post-closure care period that includes provisions for public involvement. For permitted facilities, § 264.117(a)(2) provides for shortening or extending the post-closure care period in accordance with the permit modification provisions in parts 124 and 270.

Section 270.41 provides for Agency-initiated permit modifications. EPA may modify a permit for the following reasons: if there have been material and substantial alterations or additions to the facility; there is new information that was not available at the time of permit issuance; new statutory or regulatory requirements were promulgated; EPA has cause to initiate a compliance schedule under § 270.33; or as necessary to assure that the facility continues to comply with the currently applicable requirements in parts 124, 260 through 266, and 270, when a permit for a land disposal facility is reviewed by the Director under § 270.50(d).

Section 270.42 contains the regulations that apply to the modification of a permit at the request of the permittee. For all modifications, the permittee submits information to EPA that describes the exact change to be made to the permit conditions, identifies whether the modification is Class 1, 2, or 3, and provides the applicable permit application information.

The process for extending the post-closure care period is a Class 2 modification, while the process for shortening the post-closure care period is a Class 3 modification (§ 270.42, Appendix I, E2 and E3). These procedures include provisions for public involvement. The post-closure care period can also be modified through permit renewal under § 270.32(d).

*Financial Assurance for Post-Closure Care* – EPA's regulations under parts 264/265 subpart H establish requirements for financial assurance, including financial assurance requirements for post-closure care (see §§ 264.140 and 265.140). Under §§ 264.144 and 265.144, the owner or operator is required to have detailed written cost estimates for post-closure monitoring and maintenance in accordance with the applicable post-closure care requirements. Under §§ 264.145 and 265.145 generally, the owner or operator is required to establish financial assurance for post-closure care in an amount equal to the current post-closure cost estimate.

*Certification of Completion of Post-Closure Care and Release of Owner and Operator from Financial Assurance Requirements* – Under §§ 264.120 and 265.120, the owner or operator must submit certification that the post-closure care for the unit(s) was performed in accordance with the approved post-closure plan; the certification must be sent by registered mail to the permitting authority. This certification must be submitted no later than 60 days after the completion of the post-closure care period for each hazardous waste disposal unit. The certification must be signed by the owner or operator and a qualified professional engineer. Documentation supporting the professional engineer's certification must be furnished to the permitting authority upon request until the permitting authority releases the owner or operator from the financial assurance requirements for post-closure care under §§ 264.145(i) and 265.145(h).

Under §§ 264.145(i) and 265.145(h), within 60 days of receipt of certification from the owner or operator and a qualified professional engineer that the post-closure care has been completed for a hazardous waste disposal unit in accordance with the approved plan, the permitting authority will notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care for that unit. If the permitting authority has reason to believe that post-closure care has not been in accordance with the approved post-closure plan, the permitting authority must provide the owner or operator a detailed written statement of any such reason.

Scope of the Post-Closure Permit Requirements – Under § 270.1(c), owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure (according to § 265.115) must have post-closure permits, unless they demonstrate closure by removal or decontamination, or obtain an enforceable document in lieu of a post-closure permit as provided under § 270.1(c)(7). Under § 270.10(h), if a permittee has an effective permit and they want to renew it, they must submit a new application at least 180 days before the expiration date of the effective permit.

Monitoring and Records – Under § 270.30(j)(2), the permittee must retain records of all monitoring information for a period of at least three years from the date of sample, measurement, report, or certification, unless extended by request of the permitting authority at any time. Records from all groundwater monitoring wells and associated groundwater surface elevations must be maintained for the active life of the facility, and for disposal facilities for the entire post-closure care period.

Compliance with an Expiring Permit – Under § 270.51(c), if the permittee is not in compliance with the conditions of the expiring or expired permit, the permitting authority may issue a new permit under part 124, initiate enforcement action, or take other actions authorized by the RCRA regulations.

**Appendix B: Institutional Controls (ICs) Resources**

The following resources may be helpful in implementing and maintaining ICs throughout the post-closure care period and beyond.

- EPA guidance on *Ensuring Effective and Reliable Institutional Controls at RCRA Facilities* (Matt Hale, Director, Office of Solid Waste, and Susan Bromm, Director Office of Site Remediation and Enforcement, June 14, 2007) sets forth guiding principles and recommendations that can help EPA and state decision makers on the use of ICs at RCRA facilities, and EPA resources for additional information and assistance.
- *Institutional Controls: A Site Manager's Guide to Identifying, Evaluating, and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups* guidance provides some discussion about how ICs can be used at post-closure care facilities. (p.3 text box) EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000, <https://www.epa.gov/fedfac/institutional-controls-site-managers-guide-identifying-evaluating-and-selecting-institutional>
- *Institutional Controls: A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites* provides information and recommendations that should be useful for planning, implementing, maintaining and enforcing ICs, and offers an overview of EPA's policy regarding the roles and responsibilities of the parties involved in the various life-cycle stages of ICs. Final, December 2012. OSWER 9200.0-77, EPA-540-R-09-002, <https://www.epa.gov/fedfac/institutional-controls-guide-preparing-institutional-control-implementation-and-assurance>
- *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites* guidance also discusses how ICs could be used at RCRA post-closure care facilities. (Section 2.3) Final, December 2012. OSWER 9355.0-89, EPA-540-R-09-001, <https://www.epa.gov/fedfac/institutional-controls-guide-planning-implementing-maintaining-and-enforcing-institutional>
- *Long-Term Stewardship: Ensuring Environmental Site Cleanups Remain Protective over Time* report identifies long-term stewardship challenges and opportunities for improvement, and makes recommendations for how EPA and its state, tribal, and local partners should proceed in addressing them. This report also includes a definition of long-term stewardship, why long-term stewardship is important, and what EPA and others are currently doing to address long-term stewardship issues. Final, September 2005, EPA 500-R-05-001, <https://nepis.epa.gov/Exe/ZyNET.exe/P100119V.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2000+Thru+2005&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C00thru05%5CTxt%5C00000015%5CP100119V.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>



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## **ASTSWMO POSITION PAPER POST-CLOSURE CARE BEYOND 30 YEARS AT RCRA SUBTITLE C FACILITIES**

### **BACKGROUND**

Regulations promulgated under the authority of Subtitle C of the Resource Conservation and Recovery Act (RCRA), include provisions regarding the post-closure care of hazardous waste land disposal units. The Subtitle C regulations establish a 30-year post-closure care period as the default requirement (See 40 CFR § 264.117).

These regulations include provisions allowing the 30-year period to be extended or shortened. The 30-year period may be extended if the Environmental Protection Agency (EPA) Regional Administrator (RA) or Director of an authorized State program "finds that the extended period is necessary to protect human health and the environment" and may be shortened if the RA or State Director finds that a reduced period is sufficient to protect human health and the environment. After completion of the established post-closure care period, the owner or operator is required to certify that the post-closure period was performed in accordance with the approved post-closure plan. Similar provisions are found in regulations for nonhazardous waste disposal units promulgated under the authority of Subtitle D of RCRA.

Facilities around the country are approaching or have already arrived at the end of the initial 30-year post-closure period, and many States are grappling with the issue of how to address this situation. ASTSWMO raised several questions and asked EPA to address a number of issues regarding this topic in its October 17, 2012 Position Paper.

While EPA's December 15, 2016 Memorandum addressed several of ASTSWMO's requests, and provides guidance on this issue, it does not fully address all of ASTSWMO's concerns and the situations faced by the States with disposal units at the end of the 30-year post closure period cited in the regulations. Failure to address these concerns may lead to hazardous waste disposal units exiting post-closure care without sufficient controls (including land use restrictions) in place. If this occurs, ASTSWMO is concerned that unregulated development, or even simple neglect of these units will result in the release of hazardous wastes and hazardous constituents. This will ultimately lead to those units/facilities being regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

ASTSWMO members agree that controls need to remain in place in perpetuity if wastes are present in the disposal units. These controls must be required even if the unit has met all the requirements of its post-closure permit and there is currently no groundwater contamination associated with the unit.

**ASTSWMO POSITION PAPER  
POST-CLOSURE CARE BEYOND 30 YEARS AT RCRA SUBTITLE C FACILITIES**

**ISSUES**

The Hazardous Waste Subcommittee's Corrective Action and Permitting (CAP) Task Force has highlighted the following as key issues:

- A clear statement is needed from the EPA that there is a presumption that a Subtitle C post-closure care obligation remains as long as hazardous waste remains in a closed land disposal unit, even if there is no evidence of a release after 30 years of post-closure care (although a facility may be able to rebut this presumption on a case-by-case basis),
- The need for a clear statement identifying facility financial assurance obligations during an extended post-closure period, that ensures cost estimates are periodically updated and that financial assurance instruments are maintained to ensure adequate coverage,
- If an alternate enforceable document (such as an order or environmental covenant under the Unified Environmental Covenant Act) can be used in place of a post-closure permit, identification of the minimum controls and restrictions that need to be included in this document or order, and
- Guidance addressing the addition of an emerging or newly listed contaminant to monitoring requirements.

**POSITION**

The ASTSWMO Board of Directors recommends that EPA either revise the RCRA regulations for post-closure or issue supplemental guidance on the implementation of the post-closure regulations under Subtitle C of RCRA. Such guidance should be congruent with the key issues highlighted in the issues section of this position paper. ASTSWMO remains ready to work with EPA to achieve a mutually satisfactory outcome on this very important issue.

**Approved by the ASTSWMO Board of Directors on July 20, 2022 in Park City, UT.**