

ILLINOIS POLLUTION CONTROL BOARD
June 4, 2026

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| BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 26-30 |
| |) | (Permit Appeal – RCRA) |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER OF THE BOARD (by M.D. Mankowski):

On October 30, 2025, BFI Waste Systems of North America, LLC (BFI), timely filed a petition asking the Board to review a September 25, 2025, determination of the Illinois Environmental Protection Agency (IEPA). *See* 415 ILCS 5/40(a)(1) (2024); 35 Ill. Adm. Code 101.300(b), 105.206. The determination concerns the hazardous waste management facility operated by BFI at 701 Green Bay Road in Zion, Lake County. In the determination, the Agency issued a renewed Resource Conservation and Recovery Act (RCRA) hazardous waste management post-closure permit (RCRA post-closure permit) with conditions for BFI’s facility. On November 6, 2025, the Board accepted the petition for hearing.

On January 7, 2026, BFI filed a motion (Mot.) to stay the effectiveness of certain conditions in the RCRA post-closure permit. During a status conference on March 12, 2026, IEPA indicated it does not oppose BFI’s motion. For the reasons below, the Board now grants BFI’s unopposed motion for a stay.

MOTION FOR STAY

BFI asks the Board to stay the effectiveness of the conditions at issue in this appeal, namely the post-closure care and financial assurance conditions in Sections II.C.1, II.C.2, II.M, and V.D.3 and the groundwater detection monitoring conditions in Sections III.D.2.b and III.I.10.b. Mot. at 2, 4-6. BFI also requests the Board stay the effectiveness of conditions in Sections V.D.1.b and V.D.1.c because, although it does not seek review of those conditions, they would be affected by the groundwater detection monitoring conditions that are the subject of this appeal. *Id.* at 2, 7-8. BFI intends to comply with the remaining permit conditions. *Id.* at 2.

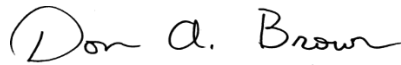
Section 10-65(b) of the Illinois Administrative Procedure Act (IAPA) provides in its entirety that, “[w]hen a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been

made unless a later date is fixed by order of a reviewing court.” 5 ILCS 100/10-65(b) (2024). BFI asserts that the IAPA automatically stays the effectiveness of the permit while the Board reviews it, and that the pre-existing permit continues in effect. Mot. at 2-3. BFI also argues the Board has authority to issue discretionary stays from permit conditions. *Id.* at 3.

As noted above, IEPA does not object to BFI’s request. The Board finds that the automatic stay provision of the IAPA applies. Accordingly, the Board grants the motion to stay the effectiveness of the RCRA post-closure permit conditions in Sections II.C.1, II.C.2, II.M, III.D.2.b, III.I.10.b, V.D.1.b, V.D.1.c, and V.D.3, pending the Board’s final action on the petition for review or until the Board orders otherwise. *See* 5 ILCS 100/10-65(b) (2024).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 4, 2026, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board