

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS	)	
OF NORTH AMERICA, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 26-30
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

NOTICE OF FILING

Please take notice that on Thursday, June 25, 2026, Respondent Illinois Environmental Protection Agency filed with the Clerk of the Illinois Pollution Control Board in the above referenced case via the “COOL” System, the attached Response to Petitioner’s Motion to Supplement Record, a true and correct copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

by KWAME RAOUL, Attorney General of
the State of Illinois

BY: /s/ Rebecca Kanz
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Certificate of Service

I, Rebecca Kanz, an Assistant Attorney General, hereby certify that on this 25th day of June 2026, I caused to be served the foregoing Notice of Filing, Respondents Response to Petitioner's Motion to Supplement the Record, upon the parties named in the attached service list by electronic mail.

BY: /s/ Rebecca Kanz
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS	)	
OF NORTH AMERICA, LLC,	)	
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Petitioner,	)	
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v.	)	PCB No. 2026-030
	)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**RESPONDENT’S RESPONSE TO PETITIONER’S MOTION TO SUPPLEMENT
RECORD**

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by KWAME RAOUL, Attorney General of the State of Illinois, and hereby responds to Petitioner’s Motion to Supplement Record on Appeal (“Motion”). For the reasons set forth herein, Respondent agrees to provide the USEPA guidance documents requested by Petitioner. As to the other material requested by Petitioner, as detailed below, those documents are already in the Record.

A. Respondent Agrees to Partially Supplement the Record.

In Paragraph 4 of the Motion, Petitioner requests two documents, USEPA’s Guideline for Evaluating Post-Closure Care Period dated December 15, 2016, and the Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) Position Paper, dated July 20, 2022. Motion at 2, ¶4. The documents provide USEPA’s guidance to delegated states regarding post-closure care for hazardous waste landfills, such as Petitioner’s landfill. Accordingly, upon approval by the Hearing Officer or the Board, Respondent will supplement the record with these two documents.

B. The Documents Requested by Petitioner in Paragraph 5 Are Already in the Record.

While Paragraph 5 of Petitioner's Motion requests Petitioner supplement the Record with several attachments, those documents are in the Record. The documents requested by Petitioner are located in the Record, as follows:

1. Attachment 4: Revised Gas/Leachate System Drawing: R 002256
2. Attachment 6: Drawings B-3A and B-4: R 000687-688
3. Attachment 7: Revised Table C-2 - Groundwater Monitoring Parameter List: R 000695-696
4. Attachment 8: Table of Groundwater Well Survey and Depth Information: R 000697
5. Attachment 9: Revised Sample Contractor Handout: R 000894-897
6. Attachment 10: Revised Drawing A-14: R 002390
7. Attachment 11: Revised Post-Closure Cost Estimate: R 000700
8. Attachment 12: Post-Closure Cost Documentation - Groundwater Sampling and Analysis: R 2899-2903

Since the documents requested in Paragraph 5 of the Motion are in the Record, Petitioner will not be supplementing those requested documents. As to Petitioner's statement in the Motion that the "Republic Services Letter to IEPA enclosing Addendum 2 to RCRA Post-Closure Permit Renewal' dated June 20, 2025 . . . actually ends at R 000499" and not R 000513, Petitioner agrees to submit an amended Index of the Record reflecting such. See Motion at 3, ¶5.

WHEREFORE, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully requests that the Hearing Officer (1) allow it to supplement the Record with the two guidance documents mentioned herein; (2) allow it to file an amended Index of Record; and (3) deny Petitioner's Motion to Supplement Record on Appeal in all other respects because the other requested documents are in the Record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

by KWAME RAOUL,
Attorney General of the
State of Illinois

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