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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

PETITIONER'S REPORT ON STATUS OF PARTIES' MOTIONS TO SUPPLEMENT RECORD

NOW COMES Petitioner, BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, by and through its attorney, Scott B. Sievers of Brown, Hay + Stephens, LLP, and, at the request of the Hearing Officer, provides the following report on the status of the parties' respective motions to supplement the record, which remain pending:

I. Petitioner's Motion to Supplement Record on Appeal

On June 4, 2026, Petitioner filed its Motion to Supplement Record on Appeal. The motion called for Respondent to supplement the record to include two documents referenced in the filed record—a U.S. EPA guidance document and an Association of State and Territorial Solid Waste Management Officials (ASTSWMO) position paper—along with various attachments referenced in the record but thought to be missing from the record. On June 25, 2026, Respondent's Response to Petitioner's Motion to Supplement Record was filed. In that response, Respondent agreed to supplement the record to include the U.S. EPA guidance document and the ASTSWMO position paper but declined to supplement the record to add the attachments because Respondent identified them in the existing record. Respondent also sought to file an amended Index of Record.

Counsel for Petitioner subsequently conferred with his client's environmental consultant on the matter, and Petitioner now has determined that the portion of its Motion to Supplement Record seeking to add the referenced attachments to the record is moot. What remains of said motion then is Petitioner's motion for Respondent to supplement the record to include the U.S. EPA guidance document and the ASTSWMO position paper and for Respondent to file an amended Index of Record, neither of which is contested.

II. Respondent's Motion to Supplement Record

On July 1, 2026, Respondent's Motion to Supplement Record was filed seeking to supplement the record to include a document titled Memorandum of Agreement Between the State of Illinois and the United States Environmental Protection Agency, also referenced as the Delegation Agreement. Respondent sought to supplement the record to include this same document in a case involving the same parties but a different site, *BFI Waste Systems of North America, LLC v. Illinois EPA* (PCB No. 2024-029). However, because the procedural posture of the instant case differs from that of PCB No. 2024-029, Petitioner informed the Hearing Officer during telephonic status conferences on June 25, 2026, and July 23, 2026, in PCB No. 2026-030 that it had no objection to Respondent's Motion to Supplement Record.

DATED: July 23, 2026

Respectfully submitted,

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BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC,

Petitioner.

BY: /s/Scott B. Sievers
Scott B. Sievers
Attorney for Petitioner

BFI Waste Systems of North America, LLC v. Illinois EPA
Pollution Control Board No. 2026-030

CERTIFICATE OF SERVICE

Scott B. Sievers of the law firm of Brown, Hay + Stephens, LLP herein certifies that on July 23, 2026, from Springfield, Illinois, he electronically submitted for filing the foregoing **PETITIONER'S REPORT ON STATUS OF PARTIES' MOTIONS TO SUPPLEMENT RECORD** with the Pollution Control Board by using the Clerk's Office On-Line (COOL) eFile system. Scott B. Sievers further certifies that, on July 23, 2026, he served the other parties in this case with a copy of the foregoing document by transmitting it by e-mail to the parties' representatives, who are identified below, at their designated e-mail addresses of record:

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

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