ILLINOIS POLLUTION CONTROL BOARD
October 19, 2026

WASTE MANAGEMENT OF ILLINOIS, INC., (CID RECYCLING & DISPOSAL FACILITY),	)	
Petitioner,	)	
v.	)	PCB 26-39 (Permit Appeal – RCRA) (90-Day Extension)
ILLINOIS ENVIROMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

HEARING OFFICER ORDER

On September 24, 2026, the respondent filed a motion to supplement the record on appeal. (Mot.). Respondent motioned that the record be supplemented with the "Illinois EPA's RCRA Delegation Agreement with USEPA (Delegation Agreement")." Mot. at 1. On October 8, 2026, petitioner filed its' objection. (Obj.)

In summary, Respondent argues that the Delegation Agreement "governs the Illinois EPA's administration of the Illinois RCRA program…and was necessarily considered by the Illinois EPA prior to the date of the 2025 Permit Decision…" Mot. at 1-2 Petitioner cites the recent Board decision support. BFI Waste Systems of North America v. IEPA, PCB 24-29, (August 20, 2026).

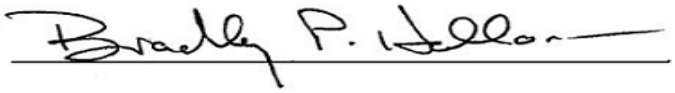
In summary, petitioner argues that the respondent offers no evidence it relied on the Delegation Agreement, its failure to identify the Delegation Agreement as a document it relied upon in its decision and that its' belated attempt to supplement the record because it was "inadvertently omitted" is suspect. Obj. at 4.

The Board's recent decision in BFI Waste v. IEPA, controls this matter. In BFI Waste v. IEPA, the Board allowed the record to be supplemented with the Delegation Agreement where it found the IEPA relied on the document and is nevertheless a publicly available document.

The respondent's motion to supplement is granted.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on November 12, 2026, at 10:00 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. The petitioner is to provide the call-in number.

IT IS SO ORDERED.



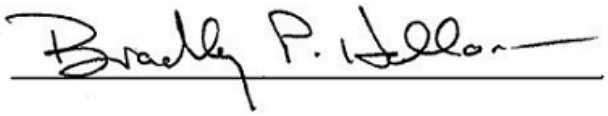
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed, on October 19, 2026, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on October 19, 2026:

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@ Consents to electronic service

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