

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS)	
OF NORTH AMERICA, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-29
)	
ILLINOIS ENVIRONMENTAL)	(Permit Appeal -RCRA)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
melanie.jarvis@illinois.gov

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a Petition for Review of Illinois EPA Permit Modification Decision, a copy of which is herewith served upon you.

DATED: January 30, 2024

Respectfully submitted,

Scott B. Sievers
Ill. Atty. Reg. No. 6275924
Brown, Hay & Stephens, LLP
P.O. Box 2459
205 S. Fifth Street
Springfield, Illinois 62705
(217) 544-8491 (telephone)
(217) 544-9609 (facsimile)
ssievers@bhslaw.com

BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC,

Petitioner.

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BFI WASTE SYSTEMS)	
OF NORTH AMERICA, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 24-29
)	
ILLINOIS ENVIRONMENTAL)	(Permit Appeal -RCRA)
PROTECTION AGENCY,)	
)	
Respondent.)	

PETITION FOR REVIEW
OF ILLINOIS EPA PERMIT MODIFICATION DECISION

NOW COMES the Petitioner, BFI WASTE SYSTEMS OF NORTH AMERICA, LLC (“BFI”), by and through its attorney, Scott B. Sievers of Brown, Hay & Stephens, LLP, and for its petition for review by this honorable Board of a final decision of Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, states the following:

I. PARTIES

1. Petitioner BFI Waste Systems of North America, LLC is a Delaware limited liability company duly authorized to conduct business within the State of Illinois.
2. Petitioner is authorized to bring this petition pursuant to 35 Ill. Adm. Code 105.204(a).
3. Respondent Illinois Environmental Protection Agency (“Illinois EPA” or “the Agency”) is a statutorily created entity. *See* 415 ILCS 5/4(a).

II. JURISDICTION

4. The Pollution Control Board is a statutorily created entity. 415 ILCS 5/5(a).

5. The Pollution Control Board is authorized to conduct hearings contesting Illinois EPA decisions in granting permits with conditions under Section 39 of the Illinois Environmental Protection Act (“the Act”). *See* 415 ILCS 5/5(d); 35 Ill. Adm. Code 105.204(a).

III. PROCEDURAL HISTORY

6. Section 40(a)(1) of the Environmental Protection Act, 415 ILCS 5/1 *et seq.*, provides for appeal of a decision of the Illinois EPA to grant a permit with conditions. 415 ILCS 5/40(a)(1). A permit applicant has 35 days after the Agency’s decision to petition for a hearing before the Pollution Control Board to contest the decision, but that time may be extended by up to 90 days. *Id.*

7. On September 25, 2023, Illinois EPA issued a final decision partially approving five (5) permit modification submissions¹ from Petitioner subject to certain conditions and modifications (hereafter “Final Decision”). *See* 35 Ill. Adm. Code 105.210(b).

8. A true and accurate copy of Illinois EPA’s Final Decision that is the subject of this petition is attached hereto as Exhibit A and Bates-stamped 000001 through 0000062.

9. On November 2, 2023, the Pollution Control Board entered an Order extending the period to January 30, 2024, for Petitioner to file its appeal in this matter.

10. Having been filed within this extended period authorized by this Board, the instant Petition for Review of Illinois EPA Permit Modification Decision is timely.

¹ The submissions were prepared and tendered to Illinois EPA by Weaver Consultants Group on behalf of Petitioner.

IV. BACKGROUND

11. Petitioner BFI Waste Systems of North America, LLC owns, operates, and is permittee of the Davis Junction Landfill in Ogle County, Illinois. (Ex. A Bates 000005, 000007).

12. Davis Junction Landfill comprises three units, two of which accepted only municipal solid waste (Phases II and III) and one of which was a combined municipal solid waste and RCRA Subtitle C hazardous waste disposal facility. *In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting*, 2008 WL 5156337, at *7 (PCB No. AS 08-55) (Dec. 4, 2008).

13. Only approximately two (2) percent of the waste disposed in the Phase I unit of the Davis Junction Landfill was hazardous waste. (Ex. A Bates 000013 ¶¶ B(1)).

14. The instant permit modification appeal concerns only Phase I of the Davis Junction Landfill. (Ex. A).

15. The Phase I unit of the Davis Junction Landfill (hereafter “BFI Davis Junction”) operated from December 1976 to January 1983. *In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting*, 2008 WL 5156337, at *7 (PCB No. AS 08-55) (Dec. 4, 2008).

16. Illinois EPA approved certification of closure of BFI Davis Junction on December 5, 1984. (Ex. A Bates 000005 ¶ 1; *In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting*, 2008 WL 5156337, at *7 (PCB No. AS 08-55) (Dec. 4, 2008)).

17. Post-closure care of BFI Davis Junction began December 5, 1984. (*E.g.*, Ex. A Bates 000005 ¶ 3).

18. The Illinois EPA permit for BFI Davis Junction prior to the Agency's Final Decision provided for post-closure care of at least 30 years. (Ex. A Bates 000005).

19. Thirty (30) years after December 5, 1984, is December 5, 2014.

20. On October 21, 2014, Illinois EPA approved Petitioner's request for a Class 2 modification of the BFI Davis Junction permit (hereafter "2014 Modifications").

21. Illinois EPA approved the 2014 Modifications, including Petitioner's voluntary "extension of the post-closure care period for ten (10) years **until December 5, 2024**" as a Class 2 permit modification (Ex. B Bates 000001).

22. The 2014 Modifications approved by Illinois EPA provided that "[t]he Permittee must continue post-closure care for an additional ten (10) years **or until December 5, 2024.**" (Ex. B Bates 000009).

23. The 2014 Modifications approved by Illinois EPA specified that post-closure care included financial assurance for post-closure activities. (Ex. B Bates 000009).

24. The 2014 Modifications approved by Illinois EPA included a total Post-Closure Cost Estimate of \$818,112 calculated based upon BFI Davis Junction having "10 years remaining post-closure care." (Ex. B Bates 000061).

V. GROUNDS FOR APPEAL

25. On September 25, 2023, Illinois EPA partially approved Petitioner's five (5) permit modification submissions but conditioned and modified them in pertinent part as follows:

1. BFI's annual costs and one-time cost for post-closure care in the updated cost estimate can be approved by the Illinois EPA. However, the total post-closure care cost estimate cannot be approved by the Illinois EPA at this time. The Illinois EPA has reevaluated the requirements for post-closure care cost estimates and financial assurance under 35 Ill. Adm. Code Part 724 and has determined the total post-closure care estimate must reflect

thirty (30) years of post-closure care as required by 35 Ill. Adm. Code 724.217.

2. Within sixty (60) days of the receipt of this letter, BFI must submit a revised post-closure cost estimate (in 2023 dollars) and financial assurance to reflect thirty (30) years of post-closure care in accordance with 35 Ill. Adm. Code 724.217. This revised cost estimate must include items required in Condition 3 and 4 below.
3. The Permittee must include costs associated with re-surveying the wells every five (5) years in accordance with Condition III.J.5 of the Permittee's RCRA Permit. In addition, copies of the latest well survey information must be provided to the Illinois EPA.
4. The table provided with the itemized cost estimates for post-closure care must be revised to provide a legible copy with a font size of no less than 12 pt.

(Ex. A (Final Decision) at 2 ¶¶ 1-4).

26. The modifications Petitioner sought were to the RCRA Hazardous Waste Permit issued by Illinois EPA and effective in 2018 (hereafter "the 2018 Permit"). (Ex. A Bates 000007).

27. BFI appeals the conditions and modifications set forth in Paragraphs Nos. 1, 2, and 3 of Illinois EPA's Final Decision quoted in Paragraph 18 above, as Illinois EPA's Final Decision erroneously construes the cited regulatory provisions and its authority under them in imposing extended post-closure care requirements, including unduly burdensome financial assurance obligations.

A. ILLINOIS EPA ERRED IN CONSTRUING A BOARD REGULATION TO AUTHORIZE EXTENDING POST-CLOSURE CARE 30 YEARS BEYOND THE NEARLY 40 YEARS ALREADY PROVIDED TO DATE.

28. In its Final Decision, Respondent Illinois EPA stated it had reevaluated requirements for post-closure care cost estimates and financial assurance under 35 Ill. Adm. Code Part 724 and determined that 35 Ill. Adm. Code 724.217 required that the total post-closure care estimate must reflect thirty (30) years of post-closure care. (Final Decision at 2 ¶ 1).

29. That provision states in pertinent part as follows:

a) Post-Closure Care Period

1) **Post-closure care** for each hazardous waste management unit subject to the requirements of Sections 724.217 through 724.220 **must begin after completion of closure of the unit and continue for 30 years after that date** and must consist of at least the following:

A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, N, and X; and

B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X.

35 Ill. Adm. Code 724.217(a)(1) (emphasis added).

30. This provision speaks of a post-closure care period of “30 years,” not of the “at least thirty (30) years” language Illinois EPA seeks to impose. (Ex. A Bates 000005 ¶¶ 1, 3, Bates 000014 ¶¶ (A), (B)(2), Bates 0000015 ¶ (C)(2)).

31. Further, this is the only provision within 35 Ill. Adm. Code Part 724 that speaks of a 30-year period, and nothing in 35 Ill. Adm. Code 724.217(a)(1) authorizes Illinois EPA to require post-closure care beyond 30 years or to require that the total post-closure care estimate comprise post-closure care beyond 30 years.

32. In addition, 35 Ill. Adm. Code 724.217(a)(2) provides as follows:

2) Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure care period for a particular unit, the Board may, in accordance with the permit modification procedures of 35 Ill. Adm. Code 702, 703, and 705, do either of the following:

A) Shorten the post-closure care period applicable to the hazardous waste management unit or facility if all disposal units have been closed and the Board has found by an adjusted standard issue pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104 that the reduced period is sufficient to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

B) Extend the post-closure care period applicable to the hazardous waste management unit or facility if **the Board** has found by an adjusted standard issue pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104 that the extended period 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).

35 Ill. Adm. Code 724.217(a)(2) (emphasis added).

33. While subsection (2)(B) of 35 Ill. Adm. Code 724.217(a) does allow for the extension of the post-closure care period, it only does so if the Pollution Control Board has found through an adjusted standard issue that the extended period is necessary to adequately protect human health and the environment; it does not authorize Illinois EPA to unilaterally extend the post-closure care period beyond the 30-year period set forth in 35 Ill. Adm. Code 724.217(a)(1).

34. Based upon logic and common sense, the legal maxim *expressio unius est exclusio alterius* provides that, where a statute or regulation lists things to which it refers, there is an inference that all omissions should be understood as exclusions. *See People v.*

Commonwealth Edison Company, 1985 WL 21568, at *3 (PCB 83-218) (Oct. 24, 1985); *Bridgestone/Firestone, Inc. v. Aldridge*, 179 Ill. 2d 141, 151–52 (Ill. 1997); *City of St. Charles v. Illinois Labor Relations Bd.*, 395 Ill. App. 3d 507, 510 (2d Dist. 2009) (rule of construction applies to administrative regulations).

35. Applying this rule of construction to 35 Ill. Adm. Code 724.217, the inclusion of a means in subsection (a)(2)(B) to extend the post-closure care period for hazardous waste management units or facilities after this Board has found, by an adjusted standard issue, that the extended period is necessary to adequately protect human health and the environment without setting forth any other means to extend it gives rise to the inference that other means of so extending the post-closure care period, including Illinois EPA doing so unilaterally, are excluded.

36. Consequently, Petitioner petitions the Board to find that, with its Final Decision, Illinois EPA has erred in construing 35 Ill. Adm. Code 724.217 and has acted without lawful authority in requiring post-closure care for BFI Davis Junction, including financial assurance, for an additional 30 years when Petitioner already will have provided an initial 30 years of such care and voluntarily extended that care for another 10 years as of December 5th of this year. Accordingly, Petitioner petitions the Board to reverse Illinois EPA's Final Decision and grant Petitioner the permit modifications it sought without the three challenged modifications and conditions identified above.

B. ILLINOIS EPA ERRED IN CONSTRUING A BOARD REGULATION TO AUTHORIZE EXTENDING FINANCIAL ASSURANCE FOR ANOTHER 30 YEARS, THEREBY IMPOSING A \$2.6 MILLION OBLIGATION UPON PETITIONER.

37. In its Final Decision, Respondent Illinois EPA stated it had reevaluated requirements for post-closure care cost estimates and financial assurance under 35 Ill. Adm.

Code Part 724. (Ex. A Bates 000002 ¶ 1). Accordingly, the Agency required Petitioner to “submit a revised post-closure cost estimate (in 2023 dollars) and financial assurance to reflect thirty (30) years of post-closure care in accordance with 35 Ill. Adm. Code 724.217,” which includes re-surveying the wells every five years. (Ex. A Bates 000002 ¶¶ 2–3).

38. Financial assurance is part of post-closure care. 35 Ill. Adm. Code 725.245.

39. Illinois EPA’s conditions and modifications of the five BFI Davis Junction submittals included revising post-closure care costs by nearly 10 percent for the one-time cost of well abandonment as well as for annual costs for post-closure inspections, groundwater monitoring, and leachate management. (Ex. A Bates 000006 ¶¶ 11(a)–(b).

40. Most significantly, the Final Decision struck language from the 2018 Permit that the “[f]acility has 6.0 years of remaining post-closure care” and instead recalculated the total post-closure care cost estimate from \$484,460 based upon six years remaining to \$2,589,796 based upon 30 years remaining—an increase of approximately 435 percent. (Ex. A Bates 000006 ¶¶ 11(b)–(c).

41. Accordingly, the Final Decision required Petitioner to maintain financial assurance for BFI Davis Junction “of at least \$2,589,796 in 2022 dollars.” (Ex. A Bates 000018 ¶ G(1).

42. Illinois EPA has erroneously and without lawful authority construed 35 Ill. Adm. Code 724.217 to require post-closure care for BFI Davis Junction for an additional 30 years when Petitioner already will have provided an initial 30 years of such care and voluntarily extended that care for another 10 years as of December 5th of this year, thereby imposing upon Petitioner an extraordinary increase in financial assurance to \$2.6 million.

43. Consequently, Petitioner petitions the Board to find that, with its Final Decision, Illinois EPA has erred in construing 35 Ill. Adm. Code 724.217 and has acted without lawful authority, and Petitioner petitions the Board to reverse Illinois EPA's Final Decision and grant Petitioner the permit modifications it sought without the three challenged modifications and conditions identified above.

C. ILLINOIS EPA ACTED WITHOUT LAWFUL AUTHORITY BY EXTENDING POST-CLOSURE CARE THROUGH A CLASS 1* PERMIT MODIFICATION RATHER THAN THE CLASS 2 PERMIT MODIFICATION SPECIFIED BY BOARD REGULATION.

44. Pollution Control Board regulations provide an extensive but not an exclusive list of permit modifications and their classifications. *See* 35 Ill. Adm. Code 703.280(d)(1); 35 Ill. Adm. Code 703.Appendix A.

45. Board regulations governing permit modifications classify such modifications into three (3) general classes: Class 1, Class 2, and Class 3 modifications. 35 Ill. Adm. Code 703.280(a)–(d).

46. Some Class 1 permit modifications are further denoted by an asterisk in the Board regulations, hence the designation of Class 1* permit modifications. *See* 35 Ill. Adm. Code 703.281(b).

47. The three classes generally reflect the increasing impact of a modification upon a facility, with Class 1 modifications applying “minor changes that keep the permit current with routine changes to the facility or its operations,” Class 3 modifications “substantially alter[ing] the facility or its operations,” and Class 2 modifications arguably falling somewhere in between the two. *See* 35 Ill. Adm. Code 703.280(a)–(d).

48. Each of the five permit modification submittals tendered by Petitioner to Illinois EPA included the title “Class 1* Permit Modification. (Ex. A Bates 000001–000002).

49. Illinois EPA subsequently reviewed each of Petitioner’s five submittals as Class 1* permit modifications “in accordance with 35 Ill. Adm. Code 703.280.” *Id.*

50. Board regulations provide for modifications concerning post-closure. *See* 35 Ill. Adm. Code 703.280(d)(1); 35 Ill. Adm. Code 703.Appendix A(E).

51. For example, changes in the name, address, or telephone number of the contact in a post-closure plan are Class 1 permit modifications, whereas reduction in the post-closure care period are Class 3 permit modifications. 35 Ill. Adm. Code 703.Appendix A(E)(1), (3).

52. Board regulations explicitly list “[e]xtension of the post-closure care period” as a Class 2 permit modification, not the Class 1* permit modification submitted by Petitioner and reviewed by Illinois EPA. *See* 35 Ill. Adm. Code 703.Appendix A(E)(2).

53. Class 2 permit modifications require substantially different procedures than Class 1 permit modifications, including newspaper publication of notice of a modification request, a public meeting, and consideration and a written response by Illinois EPA of all timely submitted public comments. *See* 35 Ill. Adm. Code 703.281, 703.282.

54. Of course, Petitioner did not petition to modify its permit to extend post-closure care for at least another 30 years beyond the 40 years it will have already provided as of December 5, 2024; that is something the Agency imposed. But when the Agency did so, it could only do so as a Class 2 permit modification because Board regulations specify that extending the post-closure care period is a Class 2 permit modification.

55. Because Petitioner did not seek a Class 2 permit modification and Illinois EPA did not review Petitioners' submittals as Class 2 permit modifications, Illinois EPA failed to comply with the procedural requirements for Class 2 permit modifications and lacked lawful authority to extend the post-closure care period.

56. Consequently, Petitioner petitions the Board to find that, with its Final Decision, Illinois EPA erred in extending the post-closure care period without complying with Board regulations for Class 2 permit modifications, and Petitioner petitions the Board to reverse Illinois EPA's Final Decision and grant Petitioner the permit modifications it sought without the three challenged modifications and conditions identified above.

WHEREFORE, Petitioner, BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, petitions this honorable Board to (a) order Illinois EPA to file the Agency record of decision with the Clerk in accordance with 35 Ill. Adm. Code 105.1116; (b) hold a hearing to review Illinois EPA's September 5, 2023, permit modification decision; (c) find Illinois EPA erred and acted without lawful authority in its September 5, 2023, permit modification decision; (d) order Illinois EPA to approve the permit modifications submitted by Petitioner; (e) and grant Petitioner such other and further relief as appropriate.

DATED: January 30, 2024

Respectfully submitted,

Scott B. Sievers
Ill. Atty. Reg. No. 6275924
Brown, Hay & Stephens, LLP
P.O. Box 2459
205 S. Fifth Street
Springfield, Illinois 62705
(217) 544-8491 (telephone)
(217) 544-9609 (facsimile)
ssievers@bhslaw.com

BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC,

Petitioner.

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



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

217/524-3301

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

SEP 25 2023

7022 2410 0001 5388 4425

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

RE: 1418210001 – Ogle County
BFI – Davis Junction Landfill – Phase I
ILD980700751
Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
RCRA Permit
Permit Approval



Dear Mr. Healy:

This letter is in response to the documents described below which were submitted by Weaver Consultants Group, on behalf of the BFI – Davis Junction Landfill – Phase I (BFI) RCRA permitted facility referenced above.

Submittal No. 1 (B-142R2-M-1) – A document entitled, “Class 1* Permit Modification”, dated November 16, 2018, and received by the Illinois EPA on November 21, 2018. This document provided minor permit language revisions for the above referenced facility. The subject submittal was reviewed as a Class 1* permit modification in accordance with 35 Ill. Adm. Code 703.280.

Submittal No. 2 (B-142R2-M-2) – A document entitled, “Class 1* Permit Modification”, dated August 27, 2019, and received by the Illinois EPA on September 4, 2019. This document provided an updated cost estimate for Post-Closure Care for the above referenced facility. The subject submittal was reviewed as a Class 1* permit modification in accordance with 35 Ill. Adm. Code 703.280.

Submittal No. 3 (B-142R2-M-4) – A document entitled, “Class 1* Permit Modification”, dated August 18, 2020, and received by the Illinois EPA on August 28, 2020. This document provided an updated cost estimate for Post-Closure Care for the above referenced facility. The subject submittal was reviewed as a Class 1* permit modification in accordance with 35 Ill. Adm. Code 703.280.

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

PLEASE PRINT ON RECYCLED PAPER

BFI PERMIT APPEAL - PCB NO. 24-29 - EXHIBIT A BATES NO. 000001

Submittal No. 4 (B-142R2-M-6) – A document entitled, “Class 1* Permit Modification”, dated January 27, 2022, and received by the Illinois EPA on February 1, 2022. This document provided an updated cost estimate for Post-Closure Care for the above referenced facility. The subject submittal was reviewed as a Class 1* permit modification in accordance with 35 Ill. Adm. Code 703.280.

Submittal No. 5 (B-142R2-M-7) – A document entitled, “Class 1* Permit Modification”, dated December 1, 2022, and received by the Illinois EPA on December 5, 2022. This document provided an updated cost estimate for Post-Closure Care for the above referenced facility. The subject submittal was reviewed as a Class 1* permit modification in accordance with 35 Ill. Adm. Code 703.280.

The subject permit modification requests included updated post-closure cost estimates and minor revisions to BFI’s current RCRA Post-Closure Permit. The Illinois EPA has reviewed the information contained in the subject submittals and hereby partially approves the subject submittals with the following conditions and modifications.

1. BFI’s annual costs and one-time cost for post-closure care in the updated cost estimate can be approved by the Illinois EPA. However, the total post-closure care cost estimate cannot be approved by the Illinois EPA at this time. The Illinois EPA has reevaluated the requirements for post-closure care cost estimates and financial assurance under 35 Ill. Adm. Code Part 724 and has determined the total post-closure care estimate must reflect thirty (30) years of post-closure care as required by 35 Ill. Adm. Code 724.217.
2. Within sixty (60) days of the receipt of this letter, BFI must submit a revised post-closure cost estimate (in 2023 dollars) and financial assurance to reflect thirty (30) years of post-closure care in accordance with 35 Ill. Adm. Code 724.217. This revised cost estimate must include items required in Condition 3 and 4 below.
3. The Permittee must include costs associated with re-surveying the wells every five (5) years in accordance with Condition III.J.5 of the Permittee’s RCRA Permit. In addition, copies of the latest well survey information must be provided to the Illinois EPA.
4. The table provided with the itemized cost estimates for post-closure care must be revised to provide a legible copy with a font size of no less than 12 pt.

This determination was based on the Illinois EPA’s review of: (1) the RCRA Post-Closure Permit issued to BFI; (2) requirements of 35 Ill. Adm. Code 724.131, 724 Subpart G, 724.410, and 724 Subpart H; the information contained in the subject submittals.

Attachment A to this letter contains a summary of the changes made to the RCRA Post-Closure Permit. A revised RCRA Post-Closure Permit reflecting the partial approval of the subject submittals is enclosed with this letter. Post-closure care and corrective action activities at the above-referenced facility must be in accordance with the RCRA Post-Closure Permit issued to the facility and all subsequent approved modifications to the Permit.

Pursuant to 35 Ill. Adm. Code 703.281(a)(2), a notice of this modification shall be sent to all persons on the facility mailing list, maintained by the Illinois EPA in accordance with 35 Ill. Adm. Code 705.163(a)(4), and the appropriate units of state and local government as specified in 35 Ill. Adm. Code 705.163(a)(5). For a Class 1* modification the notice must be made within 90 calendar days after the Illinois EPA approves the request.

Work required by this letter, this submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Engineering Practice Act of 1989, the Professional Land Surveyor 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.

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 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 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:

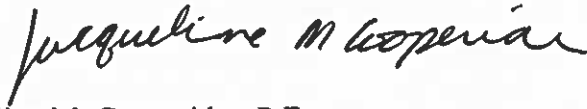
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

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

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

For questions regarding groundwater issues, please call Paula Stine at 217/557-8770. For all other questions, contact Jacob Nutt at 217/524-7048.

Sincerely,



Jacqueline M. Cooperider, P.E.

Permit Section Manager

Bureau of Land

JMC:JDN:1418210001-RCRA-B142R2M1-B142R2M2-B142R2M4-B142R2M6-B142R2M7-
Approval.docx *JDR BS* *JDN TNH*

Attachment: Attachment A – CHANGES TO THE RCRA POST-CLOSURE PERMIT

cc: Norberto Gonzalez, Emily Keener, U.S. EPA – Region V
James Hitzeroth, BFI Waste Systems of North America, LLC
Mike Maxwell, LPG, CHMM, Weaver Consultants Group

ATTACHMENT A
CHANGES TO THE RCRA POST-CLOSURE PERMIT
BFI – Davis Junction Landfill – Phase I

STATE ID No. 1418210001
USEPA No. ILD980700751
Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

The following changes have been made to BFI's RCRA Post-Closure Permit in response to permit modification requests B-142R2-M-1; B-142R2M-2; B-142R2M-4; B-142R2M-6; B-142R2M-7 reflecting partial approval of updated annual post-closure cost estimates, minor permit language revisions, and correction of grammatical and formatting issues.

1. Permit Condition I.B.2 - Illinois EPA approved certification of closure of the subject ~~surface impoundments landfill~~ on ~~March 16, 1990~~ December 5, 1984. Post-closure care for this unit must then be provided for at least thirty (30) years after that date.
2. Permit Condition I.B.4 - The Survey Plat (Exhibit A) indicating the location and dimension of the ~~former impoundment~~ closed landfill area was recorded in the Ogle County Recorder's Office on April 5, 2006. The Survey Plat was recorded as Document No. 0603382.
3. Permit Condition I.C.2 - The Permittee shall continue to conduct post-closure care for each hazardous waste management unit listed in Section B above. Post-closure care of the unit began on December 5, 1984 and must continue to begin after completion of closure of the unit and continue for at least thirty (30) years after that date. The Illinois EPA has extended post-closure care until at least December 5, 2024.
4. Permit Condition I.C.7 - The Permittee shall maintain a record of all inspections, monitoring, and maintenance activities in the facility's operating record. A copy of the operating record must be kept ~~on-site~~ at the physical location specified in the approved permit application (i.e., the Permittee's offices in Hanover Park, IL).
5. Permit Condition I.E.2 – Numbering corrected
6. Permit Condition I.G.1 - The Permittee shall maintain financial assurance for post-closure care of the Phase I Landfill of at least ~~\$484,460~~ \$2,589,796 in 2022 dollars. The cost estimate for post-closure care of this facility is shown in Attachment C to this permit. The financial assurance maintained by the facility shall be sufficient to meet the requirements at 35 Ill. Adm. Code 724 Subpart H.
7. Permit Conditions II.5 through II.9 – Were added to reflect on the subject Class 1* modifications.
8. Permit Condition III.C.3 – Edited to remove repeated definition of Point of Compliance.

9. Permit Condition III.H.1 - The Permittee shall use the techniques and procedures described in ~~Appendix J~~ Appendix C-3 of the approved permit application except as modified below, when obtaining and analyzing samples from the groundwater monitoring wells described in Condition III.D.1 above:
10. Permit Condition IV.25 - DOCUMENTS TO BE MAINTAINED AT IN FACILITY SITE FILES. The Permittee shall maintain at in the facility files, until post-closure care is complete, the following documents and amendments, revisions and modifications to these documents:
11. Attachment C – Post-Closure Cost Estimate - The currently approved Post-Closure Cost Estimate in the current RCRA post-closure permit is \$484,460,589,796 (in 201822 dollars). This estimate must be used updated when establishing financial assurance in accordance with 35 Ill. Adm. Code 724.217(a)(1) and 724.217(a)(2)(B) of Subpart G. Based on the most recent post-closure cost estimate submitted on December 1, 2022 and received by the Illinois EPA on December 5, 2022, The updated breakdown of the estimate is should be updated as follows:

- a. 1. Estimate of post-closure care costs on an annual basis in 2022 dollars:

Post-closure inspections	\$7,421 <u>8,143</u>
Groundwater monitoring	\$9,682 <u>10,636</u>
<u>Leachate Management</u>	\$54,243 <u>59,248</u>
Total	\$71,346 <u>78,027</u>
<u>10% Contingency</u>	\$7,135 <u>7,803</u>
Total Annual Cost (w/Contingency):	\$78,481 <u>85,830</u>

One Time Costs:

Well Abandonment:	\$12,340 <u>13,542</u>
<u>10% Contingency, One-Time Costs:</u>	\$1,234 <u>1,354</u>
Total One-Time Costs:	\$13,574 <u>14,896</u>

- b. ~~2. Facility has 6.0 years of remaining post-closure care.~~

- c. ~~3.2. Total post-closure care cost estimate = (\$78,481 85,830 per year) x (630.0 years) + \$13,574 14,896 = \$484,460 2,589,796.~~



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

RCRA HAZARDOUS WASTE PERMIT

1418210001 – Ogle County
ILD980700751
BFI – Davis Junction Landfill – Phase 1
Permit Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
RCRA Permit File

Issue Date: 09/26/2018
Effective Date: 09/26/2018
Expiration Date: 05/04/2028
Modification Date: **SEP 25 2023**

PERMITTEE

BFI Waste Systems of North America, LLC
Attn: Kevin Bremer
26 West 580 Schick Road
Hanover Park, IL 60103

A modified RCRA POST-CLOSURE hazardous waste permit is hereby issued to BFI Waste Systems of North America, LLC as Owner, and Operator, and Permittee pursuant to Section 39(d) of the Illinois Environmental Protection Act and Title 35 Illinois Administrative Code Subtitle G (35 Ill. Adm. Code).

PERMITTED HAZARDOUS WASTE ACTIVITY

This permit requires BFI Waste Systems of North America, LLC to conduct the following hazardous waste activities in accordance with the approved permit application and the conditions in this permit:

- Post-Closure Care:** Closed landfill
- Groundwater Monitoring:** Detection Monitoring
- Corrective Action:** Not currently required at this facility

This permit consists of the conditions contained herein and those in the sections and attachments in this permit. The Permittee must comply with all terms and conditions of this permit and the applicable regulations contained in 35 Ill. Adm. Code Parts 702, 703, 705 and 720 through 729 in effect on the effective date of this permit.

This permit is issued based on the information submitted in the approved permit application identified in Section II of this permit and any subsequent amendments. Any inaccuracies found in the information provided in the permit application may be grounds for the termination or modification of this permit (see 35 Ill. Adm. Code 702.187 and 702.186) and potential enforcement action (415 ILCS 5/44(h)).

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

JMC:JDN:1418210001-RCRA-B142R2M1-B142R2M2-B142R2M4-B142R2M6-B142R2M7-

Approval.docx *JDN* *TJH*

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

EXHIBIT A

RCRA POST-CLOSURE PERMIT

BFI Waste Systems of North America, LLC

Davis Junction, Illinois

LPC No. 1418210001

USEPA ID No. ILD980700751

Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

RCRA POST-CLOSURE PERMIT

BFI Waste Systems of North America, LLC

Davis Junction, Illinois

LPC No. 1418210001

USEPA ID No. ILD980700751

Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Section I. Post-Closure Care	I-1 to I-6
Section II. Identification of Approved Permit Application	II-1
Section III. Groundwater Detection Monitoring Program	III-1 to III-13
Section IV. Standard Conditions	IV-1 to IV-7
Section V. Corrective Action	V-1 to V-5
Section VI. Reporting and Notification Requirements	VI-1 to VI-3

LIST OF ATTACHMENTS

<u>ATTACHMENT</u>	<u>PAGE</u>
Section A. Groundwater Monitoring Attachments and Figures	A-1 to A-8
Section B. Construction Certification Form	B-1
Section C. Post-Closure Cost Estimate	C-1

Section I: POST-CLOSURE CARE

A. SUMMARY

Hazardous waste management units where waste is left in place must receive post-closure care for a minimum of 30 years. The Permittee must continue post-closure care for the closed co-disposal landfill at this facility which received hazardous waste from November 1980 to January 1983 until at least December 5, 2024. Activities required during post-closure care include, but are not limited to (1) maintenance of final cover, (2) monitoring of the groundwater, (3) providing financial assurance for post-closure activities pursuant to 35 IAC Part 724.

B. UNIT IDENTIFICATION

1. The Permittee shall provide post-closure care for the following hazardous waste management unit, subject to the terms and conditions of this permit:

The BFI/Davis Junction Landfill is located on 159 acres at the southwest corner of Edson Road and Illinois Route 251 near Davis Junction in Ogle County, Illinois. The Phase I landfill is a hazardous waste co-disposal landfill unit that occupies approximately 25 acres in the southwest corner of the facility between facility coordinates 0 to 900 East and 0 to 1425 North. The unit is excavated down to an elevation of 712 feet MSL at the north end and 717 feet MSL at the south end. The floor of the unit is situated in a layer of in-situ clayey soils. Sides of the unit consist of compacted clay walls that were designed to impede migration into an upper sand layer on the north, south and west sides of the unit and into Phase 2 on the east side of the unit. These clay walls were required by permit to be a minimum of ten feet thick.

Wastes received at the facility included municipal refuse, special wastes, and hazardous waste. Only approximately 2% of the waste disposed in the Phase I landfill was hazardous waste. 35 IAC 703.121 requires owners and operators of landfill units that received waste after January 26, 1982, or certified closure in accordance with 35 IAC 725.215 after January 26, 1983, to obtain post-closure permits, unless closure by removal as described in 35 IAC 703.159 and 160 has been achieved. Since hazardous waste was received in Phase I after January 26, 1982 (the last load of hazardous waste was received on January 25, 1983), a RCRA Post-Closure Permit is required for Phase I.

The existing cover system for the unit 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 contained in the old cover system at the facility. The unit's existing leachate collection system consists of 15 leachate extraction points on 250 to 300 foot centers

throughout the landfill unit. Finally, a landfill gas monitoring/management program is implemented for the unit.

2. Illinois EPA approved certification of closure of the subject landfill on December 5, 1984. Post-closure care for this unit must then be provided for at least thirty (30) years after that date. The Illinois EPA has extended post-closure care until at least December 5, 2024.
3. A survey plat indicating the location and dimensions of the Phase I Landfill and any other hazardous waste disposal units with respect to permanently surveyed benchmarks was prepared and certified by a professional land surveyor. The notes on the plat state the owner's and operator's obligation to restrict disturbance of the Phase 1 Landfill in accordance with the applicable Subpart G regulations. These notes state:
 - a. The waste materials contained in the Phase I Landfill are considered RCRA hazardous wastes. They include 96% heavy metal sludges; 4% spent solvent still bottoms, spent solvent sludges, petroleum refining residues, rodenticides glycol, polystyrene, and phthalic anhydride.
 - b. Any material removed from the Phase 1 Landfill during future activities must be managed as a hazardous waste in accordance with 35 Ill. Adm. Code Subtitle G: Waste Disposal.
 - c. The use of this area is restricted.
4. The Survey Plat (Exhibit A) indicating the location and dimension of the closed landfill area was recorded in the Ogle County Recorder's Office on April 5, 2006. The Survey Plat was recorded as Document No. 0603382.

The Plat of Survey was attached to the deed to the property and serves as an instrument which is normally examined during title search that will in perpetuity notify any potential purchaser of the property that:

- a. The waste material in the Phase 1 Landfill is considered a RCRA hazardous waste;
- b. Use of the area is restricted; and
- c. A survey plat and record of the type, location and quantity of waste material in the Phase I Landfill was filed with the Illinois EPA and the County Recorder.

C. MONITORING, MAINTENANCE, AND RECORDKEEPING

1. The Permittee shall implement the Post-Closure Care plan contained in the approved permit application. All post-closure care activities must be conducted in accordance with the provisions of the approved Post-Closure Plan and the conditions in this permit.
2. The Permittee shall continue to conduct post-closure care for each hazardous waste management unit in Permit Section I.B.1. Post-closure care of the unit began on December 5, 1984 and must continue-for at least thirty (30) years after that date. The Illinois EPA has extended post-closure care until at least December 5, 2024.
3. The Illinois EPA may include restrictions upon the future use of the site if necessary to protect public health and the environment, 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. After administrative and judicial challenges to such restrictions have been exhausted, the Illinois EPA shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.
4. The Permittee shall not allow any use of the units designated in Section B which will disturb the integrity of the final cover, liners any components of the containment system, or function of the facility's monitoring systems during the post-closure care period unless such use is necessary to protect public health or the environment.
5. The Illinois EPA may require, at partial and final closure, continuation of any of the security requirements during part or all of the post-closure care period.
6. The Permittee shall maintain and monitor the groundwater monitoring system and comply with the other applicable regulations of 35 IAC 724 Subpart F (Groundwater Protection) during the post-closure care period.
7. The Permittee shall maintain a record of all inspections, monitoring, and maintenance activities in the facility's operating record. A copy of the operating record must be kept at the physical location specified in the approved permit application (i.e., the Permittee's offices in Hanover Park, IL).
8. The Permittee shall comply with the requirements for landfills described in the approved permit application and the conditions of this permit as follows:
 - a. 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, cracking or other events.

Corrective action shall be taken if ponding has been observed, if cracks or erosion channels greater than one inch wide have formed for whatever reason, if gas,

odor, vegetative or vector problems arise, if leachate popouts or seeps are present, or if vegetation with tap roots is found to be growing in areas which are not designed to accommodate such vegetation.

- 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.

- c. Continue to implement the landfill gas monitoring/management program set forth in Section E of the approved permit application.
- d. Continue to operate the leachate collection and removal system, and leak detection systems until leachate is no longer detected.
- e. Prevent run-on and run-off from eroding or otherwise damaging the final cover.
- f. Protect and maintain surveyed benchmarks used in complying with surveying and recordkeeping requirements.

D. INSPECTIONS

The Permittee shall inspect the components, structures, and equipment at the site in accordance with the inspection schedule in the approved permit application and the conditions in this permit.

E. NOTICES AND CERTIFICATION

1. The person or office specified in the approved Post-Closure Plan must keep the plan during the remainder of the post-closure period.
2. If the Permittee or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, then they must request a modification to this Post-Closure Permit in accordance with the applicable requirements in 35 IAC Parts 703, 705 and 724. The owner or operator must at a minimum demonstrate that the removal of hazardous wastes will satisfy the criteria of 35 IAC 724.217(c).
3. No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittee shall submit to the Illinois EPA, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan and the conditions of this permit. The certification must be signed by the owner or operator and a qualified Professional Engineer registered in the State of Illinois. Documentation supporting the qualified Professional Engineer's certification must be furnished to the Illinois EPA upon request until the Illinois EPA releases the Permittee from the financial assurance requirements for post-closure care.
4. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that the post-closure care period has been completed for the landfill listed in Condition B of this permit in accordance with the approved Post-Closure Plan, the Agency shall notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit unless the Illinois EPA determines that post-closure care has not been in accordance with the approved Post-Closure Plan. The Illinois EPA shall provide the owner or operator with a detailed written statement of any such determination that post-closure care has not been in accordance with the approved Post-Closure Plan.
5. Within 90 days of the modification date of this permit, the Permittee shall notify persons on the facility mailing list of the changes to the permit identified in the permit modification. Within 120 days of the modification date, the Permittee shall provide documentation to the Illinois EPA Bureau of Land Permit Section that the required notification was made as specified above. At a minimum, this documentation shall

include a copy of the letter sent and a copy of the facility mailing list of all people who received the notification.

F. 39(i) CERTIFICATION

1. The Permittee shall submit current 39(i) certifications and supporting documentation with all permit applications.

G. FINANCIAL ASSURANCE

1. The Permittee shall maintain financial assurance for post-closure care of the Phase I Landfill of at least \$2,589,796 in 2022 dollars. The cost estimate for post-closure care of this facility is shown in Attachment C to this permit. The financial assurance maintained by the facility shall be sufficient to meet the requirements at 35 Ill. Adm. Code 724 Subpart H.

SECTION II: IDENTIFICATION OF APPROVED PERMIT APPLICATION

1. RCRA Part B Renewal Application dated June 21, 2017
2. Addendum to Permit Application dated October 12, 2017
3. Addendum to Permit Application dated May 9, 2018
4. Addendum to Permit Application July 18, 2018
5. Class 1* Permit Modification dated November 16, 2018 (B-142R2-M-1) (Partial Approval)
6. Class 1* Permit Modification dated August 27, 2019 (B-142R2-M-2) (Partial Approval)
7. Class 1* Permit Modification dated May 10, 2023 (B-142R2-M-4) (Partial Approval)
8. Class 1* Permit Modification dated January 27, 2022 (B-142R2-M-6) (Partial Approval)
9. Class 1* Permit Modification dated December 1, 2022 (B-142R2-M-7) (Partial Approval)

SECTION III: GROUNDWATER DETECTION MONITORING PROGRAM

A. SUMMARY

Groundwater parameters monitored in the uppermost aquifer below the BFI Davis Junction Landfill facility indicate that at the present time no groundwater impacts have occurred. Therefore, a Groundwater Detection Monitoring Program meeting the requirements of 35 Ill. Adm. Code 724.198 shall be implemented at the facility.

B. DEFINITION

As used herein, the words or phrases set forth below shall have the following definitions:

1. "BFI Davis Junction" shall refer to BFI Waste Systems of America, LLC Davis Junction Landfill (Phase I).
2. "Site" or "Facility" refers to the location at the southwest corner of the intersection of Edson Road and U.S. Route 251 in Ogle County, Illinois.
3. "Permittee" refers to the Facility.
4. "Illinois EPA" refers to the Illinois Environmental Protection Agency.
5. "RCRA" shall mean the Resource Conservation and Recovery Act as defined by Section 3.425 of the Environmental Protection Act, 415 ILCS 5/1 (2006).
7. "Point of Compliance" refers to the vertical surface located at the hydraulically downgradient limits of the landfill extending down into the uppermost aquifer underlying the regulated unit.
8. "Ft-bgs" refers to the number of feet below the ground surface.
9. "Ft-MSL" refers to the number of feet below the ground surface referenced to mean sea level.
10. "Detected" shall mean a concentration equal to or above the PQL listed in the latest version of USEPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) for the applicable analytical methods specified in the approved Sampling and Analysis Plan, which are incorporated by reference in Condition II.H of the Permit.
11. "Uppermost Aquifer" refers to the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically connected

with this aquifer in the vicinity of the facility. The uppermost aquifer in the vicinity of the BFI Davis Junction facility consists of alluvial and outwash deposits and include fine to medium sands with some silts underlain by fine to coarse sand, which is then underlain by a basal fine sand.

12. "Stick-up" refers to the height of the referenced survey datum. This point is determined within ± 0.01 foot in relation to mean sea level, which in turn is established by referenced to an established National Geodetic Vertical Datum.

C. IMPLEMENTATION

1. The Permittee shall implement the Groundwater Detection Monitoring Program upon the effective date of this Permit. On that date, the groundwater monitoring requirements set forth in this Permit shall supersede those previously established.
2. The Permittee shall carry out the detection monitoring specified in this Permit on the groundwater beneath the BFI Davis Junction Landfill in Davis Junction, Illinois. The uppermost aquifer beneath this site is defined as the interconnecting sands and sands and gravels within the Rock Bedrock Valley as well as the underlying and adjacent Galena-Platteville, lower St. Peter Sandstone and the entire thickness of the Cambrian Ordovician Aquifer. The Rock Bedrock Valley contains approximately 250 feet of sand and gravel. For the purpose of this Permit and in accordance with the 35 Ill. Adm. Code Part 620 regulations, the uppermost aquifer has been designated Class I: Potable Resource Groundwater.

NOTE: At this time and pursuant to the information presented in the permit application, only the uppermost portion of the uppermost aquifer shall be monitored since little if any impact has occurred. If an impact to the upper portion of the uppermost aquifer is confirmed, investigation of the lower portions shall be required. Wells designated with an "M" shall be screened in the upper fine sand which occurs between approximately 686 MSL to 700 MSL. Where the fine sand is absent, "M" wells shall be screened in coarser materials within the same approximate interval. Wells with a "D" shall be screened in the most efficient sand and gravel portion at approximately 615 MSL to 686 MSL. Piezometer designations with a "S" are screened in intermittently saturated zones above the intermediate ("M") and deep ("D") wells.

3. The Point of Compliance is delineated by the wells identified as the point of compliance wells in Condition III.D.1.

D. WELL LOCATIONS AND CONSTRUCTION

1. The Permittee shall maintain the groundwater monitoring wells and piezometers identified in the table below to allow for the collection of groundwater samples and elevations from the uppermost aquifer. The location of these wells and piezometers are specified in Figure 2 of the approved permit application.

<u>IEPA Well No.</u>	<u>Facility Well No.</u>	<u>Well Depth (Ft-bgs)</u>	<u>Well Depth Elevation (Ft-MSL)</u>	<u>Well Screen Interval (Ft-MSL)</u>
------------------------------	----------------------------------	------------------------------------	--	--

Upgradient Wells

G66M	G166I	70.1	691.1	691.1-696.1
G75M	G175I	73.9	686.6	686.6-691.6

Point of Compliance Wells

G55M	G155I	29.0	694.3	694.3-699.3
G67M	G167I	30.3	691.1	691.1-696.1
G69M	G169I	29.0	696.8	693.8-698.8
G76M	G176I	28.9	694.0	694.0-699.0
G77M	G177I	33.0	691.5	691.5-696.5

Piezometers

G55S	G155S	9.40	714.3	714.3-716.8
G63S	G163S	19.89	701.9	701.9-706.9
G63M	G163I	50.7	670.9	670.9-675.9
G67S	G167S	8.3	713.0	713.0-715.5
G68S	G168S	12.1	707.6	707.6-712.6

<u>IEPA Well No.</u>	<u>Facility Well No.</u>	<u>Well Depth (Ft-bgs)</u>	<u>Well Depth Elevation (Ft-MSL)</u>	<u>Well Screen Interval (Ft-MSL)</u>
------------------------------	----------------------------------	------------------------------------	--	--

Upgradient Wells

G62D	G162D	83.0	654.4	654.4-659.4
G66D	G166D	80.9	681.1	681.1-686.1

Compliance Point Wells

G55D	G155D	52.7	670.3	670.3-675.3
G67D	G167D	55.2	666.4	666.4-671.4
G69D	G169D	55.0	667.7	667.7-672.7
G77D	G177D	56.5	667.3	667.3-672.3

Piezometers

G63D	G163D	164.9	557.5	557.5-562.5
------	-------	-------	-------	-------------

2. Construction of each new monitoring well/piezometer must be in accordance with the diagram contained in Attachment A to this Permit unless otherwise approved in writing by the Illinois EPA. Any new monitoring wells/piezometers to be installed must be continuously sampled and logged, except in the case of a shallower well located within 10 feet of a deeper well which has been continuously sampled and logged and must be logged on Illinois EPA boring logs which can be found on the Illinois EPA website.
3. The Permittee shall notify the Illinois EPA within thirty (30) days in writing if any of the wells identified in Condition III.D.1 are damaged or the structural integrity has been compromised. A proposal for the replacement of the subject well shall accompany this notification. The well shall not be plugged until the new well is on-line and monitoring data has been obtained and verified, unless the well is extremely damaged and would create a potential route for groundwater contamination. Prior to replacing the subject well, the Permittee shall obtain written approval from the Illinois EPA regarding the proposed installation procedures and construction.
4. Should any well become consistently dry or unserviceable, a replacement well shall be provided within ten (10) feet of the existing well. This well shall monitor the same zone as the existing well and be constructed in accordance with the current Illinois EPA groundwater monitoring well construction standards at the time the wells are replaced. A well which is more than ten (10) feet from the existing well or does not monitor the same geologic zone must be approved by the Illinois EPA and designated as a new well.
5. The Permittee shall submit boring logs, construction diagrams and data sheets from installation and development of a new or replacement well to the Illinois EPA at the address below within sixty (60) days of the date that installation of the well is completed. In addition, the Permittee shall submit certification that plugging and abandonment of a well was carried out in accordance with the approved procedures to the Illinois EPA at the address below within sixty (60) days of the date that the well is plugged and abandoned. All information should be submitted to the appropriate State Agencies.

Illinois Environmental Protection Agency
Bureau of Land - #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

6. All wells/piezometers shall be equipped with protective caps and locks. Monitoring wells or piezometers located in high traffic areas must be protected with bumper guards or other alternate barriers.

7. All wells/piezometers not utilized in the approved groundwater monitoring system, but retained by the facility, must be constructed and maintained in accordance with 77 Ill. Adm. Code Part 920 regulations. Monitoring wells that are improperly constructed must be abandoned in accordance with Condition III.D.3.

E. MONITORING PARAMETERS

1. The Permittee shall determine groundwater quality at groundwater monitoring wells identified in Condition III.D.1 at both upgradient and point of compliance locations, or other wells annually during the active life (including closure and post-closure care period) of the landfill. Samples collected during the annual sampling events of each year shall be analyzed for the constituents below.

List G1 Annual Groundwater Sampling

<u>Field Parameters</u>	<u>Storets Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
pH (standard)	00400	6.71-8.13	6.62-8.13
Specific Conductance @25° (µmhos/com)	00094	1608	1608
Temperature of Water Sample (°F)	00011		
Turbidity (Ntus)	45626		
Depth to Water (Ft. below land surface)	72019		
Depth to Water (Ft. below measuring point)	72109		
Elevation of Bottom of Well (Ft. MSL)#	72020		
Elevation of Groundwater Surface (Ft. MSL)	71993		
Elevation of Measuring Point (Top of casing Ft. MSL)##	72110		

Shall be surveyed once every five (5) years, or whenever pumps are removed from the well for maintenance, or at the request of the Illinois EPA, or whenever the elevation changes as required by Condition III.J.6.

Shall be surveyed once every five (5) years; or at the request of the Illinois EPA; or whenever the elevation changes in accordance with Condition III.J.5.a.

<u>Indicator Parameters</u>	<u>Storets Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
Arsenic (Dissolved) mg/l	01000	.023	.011
Arsenic (Total) mg/l	01002	.002	.013

List G1 Annual Groundwater Sampling (cont.)

<u>Parameters (cont.)</u>	<u>Storet Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
Barium (Dissolved) ug/l	01005	100	100
Barium (Total) ug/l	01007	<100	110
Cadmium (Dissolved) ug/l	01025	8	<5
Cadmium (Total) ug/l	01027	5	5
Chromium (Dissolved) ug/l	01030	14	<10
Chromium (Total) ug/l	01034	760	760
Cyanide (Total) mg/l	00720	.02	.005
Lead (Dissolved) ug/l	01049	40	6
Lead (Total) ug/l	01051	22	11
Selenium (Dissolved) mg/l	01145	<.005	<.002
Selenium (Total) mg/l	01147	2	2
Zinc (Dissolved) mg/l	01090	.074	.04
Zinc (Total) ug/l	01092	26	30
Acetone	81552	100	100
Benzene	34030	5	5
Cobalt (mg/L)	01037	.1	.1
Copper (mg/L)	01042	.01	.025
Dichloromethane (Methylene Chloride)	34423	5	5
Endrin	39390	2	2
Ethylbenzene	78113	5	5
Ethyl Ether (Diethyl Ether)	81576	5	5
Heptachlor	39410	.4	.4
Nickel	01067	510	510
Styrene	77128	10	10
Tetrachloroethylene	34475	5	5
Toluene	34010	5	5
Trichloroethylene	39180	5	5
Vinyl Chloride	39175	2	2
Xylenes	81551	5	5
1,1-Dichloroethane	34496	5	5
cis-1,2-Dichloroethylene	77093	5	5
1,4-Dioxane	82388	5	5
2,4,5 TP (Silvex)	39760	2	2
2,4-Dichlorophenoxyacetic Acid (2,4-D)	39730	10	10
2-Butanone (Methyl Ethyl Ketone)	81595	10	10
1,4(para) Dichlorobenzene	34571	5	5
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	78133	10	10
bis (2-ethyl hexyl) phthalate	39100	20	20

List G1 Annual Groundwater Sampling (cont.)

<u>Parameters (cont.)</u>	<u>Storet Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
2-Methylphenol (o-cresol)	77152	10	10
3-Methylphenol (m-cresol)	77151	10	10
4-Methylphenol (p-cresol)	77146	10	10
Acetophenone	81553	10	10
2,4-Dimethylphenol	34606	10	10

NOTE:

- i. Background concentrations are given in ug/L except as otherwise noted. Also, the monitoring results should be reported in ug/L units unless otherwise indicated.
- ii. All parameters with the "(Dissolved)" label to the right shall be determined using groundwater samples which have been filtered through a 0.45 micron filter.
- iii. In cases where log-transformed values better describe a normal distribution and are used to determine groundwater parameters, all future well comparisons within that parameter must be made with log-transformed data for significance or compliance.
- iv. Included in the annual sampling report shall be the calculated rate of migration and direction including the supporting calculations and assumptions using site specific data. Hydraulic conductivity shall be determined utilizing results from field testing rather than estimating the hydraulic conductivity using grain size analysis.

F. DETECTION MONITORING PROGRAM

1. The Permittee shall determine groundwater quality at each monitoring well identified in Condition III.D.1 annually during the active life of the regulated unit (including the closure and post-closure care periods). The Permittee shall express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant changes (i.e. means, variances, etc.).
2. The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer annually, and report to the Illinois EPA at least annually from monitoring wells identified in Condition III.D.1
3. The Permittee shall determine whether there is a statistically significant increase, (or decrease in the case of pH) over the background values established for each parameter identified in Condition III.E.1 or the 35 Ill. Adm. Code 620, Class I Groundwater

Quality Standards, whichever is greater, each time groundwater quality is determined at the point of compliance.

G. GROUNDWATER ELEVATION

1. The Permittee shall determine the groundwater surface elevation referenced to Ft-MSL at each well each time groundwater is sampled in accordance with Condition III.J.3.
2. The Permittee shall determine the surveyed elevation of "stick-up" referenced to Ft-MSL when the well is installed (with as-built diagrams) and every five (5) years; or at the request of the Illinois EPA; or whenever the elevation changes in accordance with Condition III.J.5.
3. Elevation, as referenced to Ft-MSL, of the bottom of each monitoring well (Storet 72020) is to be reported once every five (5) years, or whenever the pumps are removed from the well for maintenance; or at the request of the Illinois EPA; or whenever the elevation changes in accordance with Condition III.J.6. The mandatory measurement shall be taken during the annual sampling event.

H. SAMPLING AND ANALYSIS PROCEDURES

1. The Permittee shall use the techniques and procedures described in Appendix C-3 of the approved permit application except as modified below, when obtaining and analyzing samples from the groundwater monitoring wells described in Condition III.D.1 above:
 - a. Samples shall be collected by the techniques described in Appendix C-3 of the approved permit application.
 - b. Samples shall be preserved and shipped (when shipped off-site for analysis) in accordance with the procedures specified in Appendix C-3 of the approved permit application.
 - c. Samples shall be analyzed in accordance with the procedures specified in Appendix C-3 of the approved permit application.
 - d. Samples shall be tracked and controlled using the chain of custody procedures specified in Appendix C-3 of the approved permit application.
2. Sampling will be collected first from upgradient wells, proceed to non-contaminated downgradient wells, and then proceeding to the downgradient wells which are known to be contaminated.

3. Purging of groundwater must continue until measurements of field parameters (pH, specific conductance, temperature, and turbidity) have stabilized within approximately 10% over at least two measurements collected over three to five minute intervals. If a well is purged to dryness or is purged such that the full recovery exceeds two hours, the well should be sampled as soon as sufficient volume of groundwater has entered the well to enable the collection of the necessary groundwater samples.
4. Analytical methods to be utilized by the facility must be in accordance with the latest version of USEPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) Third Edition, Final Update III, Revision 4.
5. Quality assurance/quality control procedures which meet the requirements of SW-846 must be implemented during all sampling and analysis efforts. In addition, sample collection, handling, preservation, preparation, and analysis must be conducted in accordance with the procedures set forth in SW-846.

I. STATISTICAL PROCEDURES

When evaluating the monitoring results in accordance with Condition III.F, the Permittee shall use the following procedures:

1. The statistical method used to obtain background concentrations shall be as specified in the approved permit application.
2. Non-detects and censored data shall be treated as specified in Appendix Q of the approved permit application first submitted in February 2005. Within ninety (90) days of the effective date of this permit, the permittee shall provide a copy of Appendix Q from the 2005 permit application as a Class 1* permit modification to Section C of the approved permit application.
3. A statistically significant increase above background of the parameters identified in Condition III.E.1 is when an observed concentration of such a constituent in a downgradient well exceeds the background concentration (95% tolerance interval) listed in Condition III.E.1.
4. For constituents which have not been detected in the groundwater, the practical quantitation limit (PQL) shall be used as the background concentration.
5. If a given constituent is found above background in the sample, the Permittee may resample within thirty (30) days. This sample shall be analyzed for the constituent(s) detected above background in the initial samples.

J. REPORTING AND RECORDKEEPING

1. The Permittee shall enter all monitoring, testing, and analytical data obtained in accordance with Conditions III.E, III.F, III.G, III.H and III.I in the operating record. The data must include all computations, calculated means, variances, t-statistic values and t-statistic results or results of statistical test that the Illinois EPA has determined to be equivalent.
2. Samples collected to meet the requirements of the groundwater monitoring program described in Conditions III.E, III.F, III.G, and III.I shall be collected and reported, as identified in the table below. All additional information required by the groundwater monitoring program (as specified in Conditions III.E, III.F, III.G and III.I) shall also be submitted to the Illinois EPA at the address listed in Condition III.D.5 in accordance with this schedule.

<u>Samples to be Collected During The Months of</u>	<u>Results Submitted to the Illinois EPA by the Following</u>	<u>Parameters</u>
April - June	July 15	Lists G1

3. Groundwater surface elevation data, measured pursuant to Condition III.G.1 shall be collected annually and submitted to the Illinois EPA as identified in the table above.
4. The Permittee shall report the groundwater flow rate and direction in the uppermost aquifer as required by Condition III.F.2 during the annual sampling event of the year.
5. The Permittee shall report the surveyed elevation, as required by Condition III.G.2, of the top of the well casing "stick-up", referenced to MSL in accordance with the following schedule:
 - a. For wells identified in Condition III.D.1, every five (5) years (during the annual sampling event); or at the request of the Illinois EPA; or whenever the elevation changes.
 - b. For any new wells, at the time of installation and reported in the as-built diagrams, subsequent measurements shall be made every five (5) years (during the annual sampling event), or at the request of the Illinois EPA, or whenever the elevation changes.
6. Elevation of the bottom of each monitoring well identified in Condition III.D.1, as referenced to Ft-MSL, is to be reported every five (5) years. This measurement shall be taken during the annual sampling event (Storet 72020) in accordance with Condition III.G.3.

7. Information required by Conditions III.J.2, III.J.3, III.J.5 and III.J.6 must be submitted in an electronic format. The information is to be submitted, as fixed-width text files formatted as found in Attachment A, in accordance with the schedule found in Condition III.J.2 above. Additional guidance regarding the submittal of the information in an electronic format can be found on the Illinois EPA website.
8. The Permittee shall submit a completed "RCRA Facility Groundwater, Leachate and Gas Reporting Form" (LPC-592) as a cover sheet for any notices or reports required by the permit for identification purposes. Only one copy of the LPC-592 must accompany your submittal. However, the Permittee must submit one (1) original and (excluding the groundwater and leachate monitoring results submitted in an electronic format) a minimum of two (2) copies of each notice or report you submit to the Illinois EPA. The form is not to be used for permit modification requests.
9. The Permittee shall report all information to the Illinois EPA in a form which can be easily reviewed. All submittals contain tables of data drawings and text (as necessary) to accurately describe the information contained in the submittal.
10. If the Permittee determines, pursuant to Condition III.F.3 that there is a statistically significant increase for any of the parameters specified in Condition III.E.1 at any monitoring well at the point of compliance, the Permittee shall:
 - a. Notify the Illinois EPA in writing indicating what parameters and wells have shown statistically significant increases and provide all statistical calculations. This notification shall be submitted to the Illinois EPA within seven (7) days of the date that the increases are discovered.
 - b. Sample the groundwater in all wells listed in Condition III.D.1 and determine the concentration of all constituents identified in Appendix I of 35 Ill. Adm. Code Part 724 such that the results will accompany the permit modification required by Condition III.J.10.d below.
 - c. For any Appendix I compounds found in the analysis pursuant to this condition, the Permittee may resample within one month and repeat the analysis for those compounds detected. If results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the Permittee does not resample for the compounds pursuant to this condition, the hazardous constituents found during the initial Appendix I analysis will form the basis for compliance monitoring.
 - d. Submit to the Illinois EPA an application for a permit modification to establish a compliance monitoring program meeting the requirements of 35 Ill. Adm. Code 724.199. The application shall be submitted to the Illinois EPA within ninety (90)

days of the date that the increase is discovered. Furthermore, the application must include the following information:

- i. An identification of the concentration of any 35 Ill. Adm. Code Part 724, Appendix I constituents found in the groundwater at each monitoring well at the Point of Compliance;
 - ii. Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements 35 Ill. Adm. Code 724.199;
 - iii. Any proposed changes to the monitoring frequency, sampling and analysis procedures, or methods or statistical procedures used at the facility necessary to meet the requirements of 35 Ill. Adm. Code 724.199; and
 - iv. For each hazardous constituent found at the compliance point, a proposed concentration limit under 35 Ill. Adm. Code 724.194(a)(1) or 724.194(a)(2), or a notice of intent to seek an alternate concentration limit for a hazardous constituent under 35 Ill. Adm. Code 724.194(b).
- e. Submit to the Illinois EPA a corrective action feasibility plan to meet the requirements of 35 Ill. Adm. Code 724.200 unless the concentrations of all hazardous constituents identified under Condition III.J.10.b above are listed in 35 Ill. Adm. Code 620.410 and their concentrations do not exceed the respective Groundwater Quality Standards or the Permittee has sought an alternate concentration limits under Condition III.J.10.d.iv above for every hazardous constituent identified under Condition III.J.10.b above. This plan must be submitted to the Illinois EPA within 180 days of the date the increase is discovered.
 - f. Submit to the Illinois EPA all data necessary to justify any alternate concentration limit for a hazardous constituent sought under Condition III.J.10.d.iv above. This plan must be submitted to the Illinois EPA within 180 days of the date the increases is discovered.
11. If the Permittee determines, pursuant to Condition III.F.3, that there is a statistically significant increase above the background values for the parameters specified in Condition III.E.1, the Permittee may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. The Permittee shall submit a permit modification application in accordance with Condition III.J.10.d unless the demonstration successfully shows that a source other than the regulated unit caused the increase or that the increase resulted from errors in sampling, analysis or evaluation and the Illinois EPA concurs.

To make this demonstration, the Permittee shall:

- a. Notify the Illinois EPA in writing that they intend to make this demonstration. This notification must be submitted to the Illinois EPA within seven (7) days of the date that the increase is discovered.
- b. Submit a report to the Illinois EPA which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. This report must be submitted within ninety (90) days of the date that the increase is discovered.
- c. Submit to the Illinois EPA an application to make any appropriate changes to the Groundwater Detection Monitoring Program. This application must be submitted within ninety (90) days of the date that the increase is discovered.
- d. Continue to monitor in accordance with the detection monitoring program at the facility.

K. REQUEST FOR PERMIT MODIFICATION

1. If the Permittee determines that the detection monitoring program no longer satisfies the requirements of 35 Ill. Adm. Code 724.198, the Permittee must, within ninety (90) days, submit an application for a permit modification to the Illinois EPA to make any appropriate changes to the program which will satisfy the regulations.
2. Conditions in this section of the Permit may be modified in accordance with 35 Ill. Adm. Code 705.128 if there is cause for such modification, as defined in 35 Ill. Adm. Code 702.184. Causes for modification identified in this section include, but are not limited to, alterations to the permitted facility, additional information which would have justified the application of different permit conditions at the time of issuance, and new regulations.

SECTION IV: STANDARD CONDITIONS

GENERAL REQUIREMENTS

1. **EFFECT OF PERMIT.** The existence of a RCRA permit shall not constitute a defense to a violation of the Environmental Protection Act or Subtitle G, except for development, modification or operation without a permit. Issuance of this permit does not convey property rights or any exclusive privilege. Issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or infringement of state or local law or regulations. (35 Ill. Adm. Code 702.181)
2. **PERMIT ACTIONS.** This permit may be modified, reissued or revoked for cause as specified in 35 Ill. Adm. Code 703.270 through 703.273 and Section 702.186. The filing of a request by the Permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. (35 Ill. Adm. Code 702.146)
3. **SEVERABILITY.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. (35 Ill. Adm. Code 700.107)
4. **PERMIT CONDITION CONFLICT.** In case of conflict between a special permit condition and a standard condition, the special condition will prevail. (35 Ill. Adm. Code 702.160)
5. **DUTY TO COMPLY.** The Permittee shall comply with all conditions of this permit except for the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of the Environmental Protection Act and is grounds for enforcement action; permit revocation or modification; or for denial of a permit application. (35 Ill. Adm. Code 702.141 and 703.242)
6. **DUTY TO REAPPLY.** If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must apply for a new permit at least 180 days before this permit expires, unless permission for a later date has been granted by the Illinois EPA. (35 Ill. Adm. Code 702.142 and 703.125)
7. **PERMIT EXPIRATION.** This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application (see 35 Ill. Adm. Code 703.181-703.209) and through no fault of the Permittee the Illinois EPA has not issued a new permit as set forth in 35 Ill. Adm. Code 702.125.

8. **NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.** It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (35 Ill. Adm. Code 702.143)
9. **DUTY TO MITIGATE.** In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. (35 Ill. Adm. Code 702.144)
10. **PROPER OPERATION AND MAINTENANCE.** The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory, and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. (35 Ill. Adm. Code 702.145)
11. **DUTY TO PROVIDE INFORMATION.** The Permittee shall furnish to the Illinois EPA, within a reasonable time, any relevant information which the Illinois EPA may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Illinois EPA, upon request, copies of records required to be kept by this permit. (35 Ill. Adm. Code 702.148)
12. **INSPECTION AND ENTRY.** The Permittee shall allow an authorized representative of the Illinois EPA, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate Act, any substances or parameters at any location. (35 Ill. Adm. Code 702.149)

13. **MONITORING AND RECORDS.** (35 Ill. Adm. Code 702.150)
- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste must be the appropriate method from Appendix A of 35 Ill. Adm. Code Part 721. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, latest versions; Methods for Chemical Analysis of Water and Wastes, EPA-600/4-79-020, latest versions; or an equivalent method as specified in the approved Waste Analysis Plan.
 - b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report or application. These periods may be extended by request of the Illinois EPA at any time. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
 - c. Records of monitoring information shall include:
 - i. The date(s), exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical technique(s) or method(s) used; and
 - vi. The result(s) of such analyses. (35 Ill. Adm. Code 702.150)
14. **REPORTING PLANNED CHANGES.** The Permittee shall give written notice to the Illinois EPA as soon as possible of any planned physical alterations or additions to the permitted facility. In general, proposed changes to the facility will need to be submitted to the Illinois EPA as permit modification request that complies with the requirements of 35 Ill. Adm. Code 703.280. (35 Ill. Adm. Codes 702.152(a))
15. **ANTICIPATED NONCOMPLIANCE.** The Permittee shall give advanced written notice to the Illinois EPA of any planned changes in the permitted facility or activity which may

result in noncompliance with permit requirements, regulations, or the Act. (35 Ill. Adm. Code 702.152(b))

16. **TRANSFER OF PERMITS.** This permit may not be transferred by the Permittee to a new owner or operator unless the permit has been modified or reissued pursuant to 35 Ill. Adm. Code 703.260(b) or 703.272. Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Illinois EPA. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. (35 Ill. Adm. Code 703.260)
17. **MONITORING REPORTS.** Monitoring results shall be reported at the intervals specified in the permit. (35 Ill. Adm. Code 702.152(d))
18. **COMPLIANCE SCHEDULES.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than specified in 35 Ill. Adm. Code 702.162. (35 Ill. Adm. Code 702.152(e))
19. **TWENTY-FOUR HOUR REPORTING.**
 - a. The Permittee shall report to the Illinois EPA any noncompliance with the permit which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the following circumstances. This report shall include the following:
 - i. Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - ii. Information concerning the release or discharge of any hazardous waste or of a fire or explosion at the Hazardous Waste Management (HWM) facility, which could threaten the environment or human health outside the facility.
 - b. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident;
 - iv. Name and quantity of material(s) involved;
 - v. The extent of injuries, if any;

- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where applicable; and
 - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
- c. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Illinois EPA may waive the five-day written notice requirement in favor of a written report within fifteen days. (35 Ill. Adm. Code 702.152(f) and 703.245(b))
20. **OTHER NONCOMPLIANCE.** The Permittee shall report all instances of noncompliance not otherwise required to be reported under Standard Conditions 14, 15, and 16, at the time monitoring reports, as required by this permit, are submitted. The reports shall contain the information listed in Standard Condition 20. (35 Ill. Adm. Code 702.152(g))
21. **OTHER INFORMATION.** Where the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Illinois EPA, the Permittee shall promptly submit such facts or information. (35 Ill. Adm. Code 702.152(h))
22. **SUBMITTAL OF REPORTS OR OTHER INFORMATION.** All written reports or other written information required to be submitted by the terms of this permit shall be sent to:
- Illinois Environmental Protection Agency
Bureau of Land #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
23. **SIGNATORY REQUIREMENT.** All permit applications, reports or information submitted to the Illinois EPA shall be signed and certified as required by 35 Ill. Adm. Code 702.126. (35 Ill. Adm. Code 702.151)
24. **CONFIDENTIAL INFORMATION.** Any claim of confidentiality must be asserted in accordance with 35 Ill. Adm. Code 702.103 and 35 Ill. Adm. Code Part 161.

25. DOCUMENTS TO BE MAINTAINED IN FACILITY FILES. The Permittee shall maintain in the facility files, until post-closure care is complete, the following documents and amendments, revisions and modifications to these documents:
- a. Post-closure plan as required by 35 Ill. Adm. Code 724.218(a) and this permit.
 - b. Cost estimate for post-closure care as required by 35 Ill. Adm. Code 724.244(d) and this permit.
 - c. Operating record as required by 35 Ill. Adm. Code 724.173 and this permit.
 - d. Inspection schedules as required by 35 Ill. Adm. Code 724.115(b) and this permit.

GENERAL FACILITY STANDARDS

26. GENERATOR REQUIREMENTS. Any hazardous waste generated at this facility shall be managed in accordance with the generator requirements at 35 Ill. Adm. Code Part 722.
27. SECURITY. The Permittee shall comply with the security provisions of 35 Ill. Adm. Code 724.114(b) and (c).
28. GENERAL INSPECTION REQUIREMENTS. The Permittee shall follow the approved inspection schedule. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 35 Ill. Adm. Code 724.115(c). Records of inspections shall be kept as required by 35 Ill. Adm. Code 724.115(d).

PREPAREDNESS AND PREVENTION

29. DESIGN AND OPERATION OF FACILITY. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. (35 Ill. Adm. Code 724.131)

RECORD KEEPING

31. OPERATING RECORD. The Permittee shall maintain a written operating record at the facility in accordance with 35 Ill. Adm. Code 724.173.

POST-CLOSURE

32. CARE AND USE OF PROPERTY. The Permittee shall provide post-closure care for the facility as required by 35 Ill. Adm. Code 724.217 and in accordance with the approved post-closure plan.

33. AMENDMENT TO POST-CLOSURE PLAN. The Permittee must amend the post-closure plan whenever a change in the facility operation plans or facility design affects the post-closure plan or when an unexpected event has occurred which has affected the post-closure plan pursuant to 35 Ill. Adm. Code 724.218(d).
34. COST ESTIMATE FOR POST-CLOSURE. The Permittee's original post-closure cost estimate, prepared in accordance with 35 Ill. Adm. Code 724.244, must be:
 - a. Adjusted for inflation either 60 days prior to each anniversary of the date on which the first closure cost estimate was prepared or if using the financial test or corporate guarantee, within 30 days after close of the firm's fiscal year.
 - b. Revised whenever there is a change in the facility's post-closure plan increasing the cost of closure.
 - c. Kept on record at the facility and updated. (35 Ill. Adm. Code 724.244)
35. FINANCIAL ASSURANCE FOR POST-CLOSURE CARE. The Permittee shall demonstrate compliance with 35 Ill. Adm. Code 724.245 by providing documentation of financial assurance, as required by 35 Ill. Adm. Code 724.251, in at least the amount of the cost estimates required by the previous Permit Condition. Changes in financial assurance mechanisms must be approved by the Agency pursuant to 35 Ill. Adm. Code 724.245.

Financial assurance documents submitted to Illinois EPA should be directed to the following address:

Illinois Environmental Protection Agency
Bureau of Land #33
Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

36. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS. The Permittee shall comply with 35 Ill. Adm. Code 724.248 whenever necessary.

SECTION V
CORRECTIVE ACTION

A. INTRODUCTION

1. In accordance with Section 3004 of RCRA and 35 IAC 724.201, the Permittee shall institute such corrective action as necessary to protect human health and the environment from all releases of hazardous wastes or hazardous constituents from any solid waste management unit (SWMU) at its facility in Davis Junction, Illinois. This section contains the conditions which must be followed to ensure these requirements are met.
2. The original RCRA permit was issued by Illinois EPA for this facility on July 21, 1995; Section IV of this permit contained corrective action requirements. As required by this permit, the facility conducted a Phase I RCRA Facility Investigation for two SWMUs. On September 17, 1996, Illinois EPA determined that no further action was necessary, based on the results of this investigation.
3. The Permittee must provide corrective action, as appropriate, for: (1) any newly discovered SWMUs; or (2) future releases for existing SWMUs.
4. The requirements of 35 Ill. Adm. Code Part 742 must be met, when applicable, for establishing remediation objectives for corrective action efforts.
5. A former non-hazardous waste landfill is located adjacent to the former hazardous waste landfill addressed in this permit. The former non-hazardous waste landfill (typically referred to as Phases II and III) has been closed in accordance with a plan approved by Illinois EPA; its 30-year post-closure care period began on March 30, 2000. Development, operation, closure and post-closure care of the non-hazardous waste landfill has been carried out in accordance with permits issued by Illinois EPA. Post-closure care of the non-hazardous waste landfill will be carried out in accordance with Permit No. 1994-160-LF and associated modifications.

B. OVERVIEW OF CORRECTIVE ACTION EFFORTS COMPLETED TO DATE

The Permittee has completed all corrective action requirements set forth in the original RCRA permit issued on July 21, 1995.

- a. Condition IV.B.1 of the permit issued July 21, 1995 required that a RCRA Facility Investigation be conducted at the following two SWMUs:
 - (1) Spill Control Area
 - (2) Runoff Water Disposal Area

- b. A workplan to conduct a Phase I RCRA Facility Investigation at the two SWMUs identified above was approved by Illinois on May 17, 1996 (Log No. B-142-CA-1).
- c. A report documenting the results of the approved Phase I RCRA Facility Investigation was approved by Illinois EPA on September 17, 1996 (Log No. B-142-CA-6). Based upon a review of the information in the report, Illinois EPA determined that no further action was necessary at the two SWMUs of concern at the facility.

C. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION

1. The Permittee shall prepare a cost estimate for the completion of any corrective action required under this permit, in order to provide financial assurance for completion of corrective action, as required under 35 IAC 724.201(b). Such a cost estimate will be based upon the cost of contamination investigations and assessments for the SWMU(s), and design, construction, operation, inspection, monitoring, and maintenance of the corrective measure(s) to meet the requirements of 35 IAC 724.201 and this permit. This cost estimate must be included in each workplan or report submitted to Illinois EPA, including those required by Subsections D or E below.
2. The Permittee shall demonstrate continuous compliance with 35 IAC 724.201 by providing documentation of financial assurance using a mechanism specified in 35 IAC 724.243, in at least the amount of the cost estimate required under Condition IV.D.1. The words "completion of corrective action" shall be substituted for "closure and/or post-closure", as appropriate in the financial instrument specified in 35 IAC 724.251. This documentation shall be submitted to the Illinois EPA within 60 days after the Illinois EPA's approval of the initial or revised cost estimates required under Condition IV.D.1. The Illinois EPA may accept financial assurance for completion of corrective action in combination with another financial mechanism that is acceptable under 35 IAC 724.246 at its discretion.
3. The Permittee has completed all corrective action efforts to date. Thus, the Permittee is not required, at this time, to provide financial assurance for corrective action efforts. However, it will be necessary to submit cost estimates and establish financial assurance for any corrective action efforts carried out in accordance with Subsections D or E below.

D. REQUIREMENTS FOR ADDRESSING NEWLY- IDENTIFIED SWMU(s)

1. The Permittee shall notify the Illinois EPA in writing of any newly-identified SWMU(s) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than thirty (30)

calendar days after discovery. The notification shall provide the following information, as available:

- a. The location of the newly-identified SWMU in relation to other SWMUs on a scaled map or drawing;
 - b. The type and past and present function of the unit;
 - c. The general dimensions, capacities, and structural description of the unit (available drawings and specifications provided);
 - d. The period during which the unit was operated;
 - e. The specifics on all materials, including but not limited to, wastes and hazardous constituents, that have been or are being managed at the SWMU, to the extent available; and
 - f. The results of any relevant available sampling and analysis which may aid in determining whether releases of hazardous wastes or hazardous constituents have occurred or are occurring from the unit.
2. If the submitted information demonstrates a potential for a release of hazardous waste or hazardous waste constituents from the newly identified SWMU, the Illinois EPA may request in writing, that the Permittee prepare a SWMU Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit. This SWMU Assessment Plan must also propose investigations, including field investigations if necessary, to determine the release potential to specific environmental media for the newly-identified SWMU. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste and hazardous constituents from the newly-discovered SWMU(s) to the environment.
 3. Within 60 calendar days after receipt of the Illinois EPA request for a SWMU Assessment Plan, the Permittee shall submit a SWMU Assessment Plan.
 4. After the Permittee submits the SWMU Assessment Plan, the Illinois EPA shall either approve, approve with conditions or disapprove the Plan in writing. If the plan is approved, the Permittee shall begin to implement the Plan within forty-five (45) calendar days of receiving such written notification. If the Plan is disapproved, the Illinois EPA shall notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised plan.

5. The Permittee shall submit a report documenting the results of the approved SWMU Assessment Plan to the Illinois EPA in accordance with the schedule in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan.
6. Supplemental SWMU Assessment Plans and Reports may be needed, as necessary, to fully characterize any contamination present at the SWMU.
7. The Permittee must implement a Corrective Measures Program, as necessary, to properly address any contamination encountered during the SWMU assessment. Guidance regarding the implementation of this program will be provided at the time Illinois EPA notifies the Permittee of the need for such a program.
8. All plans and report submitted in accordance with this subsection must contain a detailed estimate of the cost to complete the proposed corrective action activity.
9. Illinois EPA decisions on all plans and reports submitted under this subsection shall be subject to the appeal provisions of Sections 39(a) and 40(a) of the Illinois Environmental Protection Act.

E. FUTURE RELEASES FROM SWMUs

There exists a potential that a release may occur in the future from SWMUs identified in the RFA which did not require any corrective action at the time that the RFA or RFI was completed. If the Permittee discovers that a release has occurred from such a SWMU in the future, then the Illinois EPA must be notified of this release within thirty (30) days after its discovery following the procedures set forth in Condition IV.D.1 above. Additional investigation and, as necessary, corrective measures efforts at this SWMU must be carried out in accordance with the procedure set forth in Subsection E above. The results of all corrective action efforts required by this condition must meet the requirements of 35 Ill. Adm. Code 724.201 and Part 742.

F. INTERIM MEASURES/STABILIZATION

At any time during the corrective action process, the Permittee may initiate interim measures for the purpose of preventing continuing releases and/or mitigating the results of releases and/or mitigating the migration of hazardous wastes or hazardous constituents. It shall not be necessary to conduct all phases of the corrective action process prior to implementing an interim measure if the Illinois EPA and the Permittee agree that a problem can be corrected, or a release cleaned up, without additional study.

- a. Prior to implementing any interim measures beyond those specified above, the Permittee must submit detailed information regarding the proposed

interim measure to the Illinois EPA's DLPC for approval. This information shall include, at a minimum:

- (1) Objectives of the interim measures: how the measure is mitigating a potential threat to human health and the environment and/or is consistent with and integrated into any long-term solution at the facility;
 - (2) Design, construction, and maintenance requirements;
 - (3) Schedules for design and construction; and
 - (4) Schedules for progress reports.
- b. If the Illinois EPA's DLPC determines that a release cannot be addressed without additional study, then the Illinois EPA's DLPC will notify the Permittee that the additional study must be performed. Any proposal made under this provision or any other activity resulting from such proposal, including the invocation of dispute resolution, shall not affect the schedule for implementation of the corrective action effort or of any other portion of the permit.
- c. If the Illinois EPA determines that interim measures are necessary to protect human health or the environment, the Permittee will be notified by way of a permit modification.

SECTION VI
REPORTING AND NOTIFICATION REQUIREMENTS

The reporting and notification requirements of each section of the RCRA permit are summarized below. This summary is provided to highlight the various reporting and notification requirements of this permit.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
SECTION I: POST-CLOSURE		
E.2	Request permit modification to remove the liner or hazardous wastes.	Prior to removing the liner or wastes.
E.3	Certify to the Illinois EPA that post-closure care was performed in accordance with the specifications.	Within 60 days after completion of the post-closure care period.
SECTION III: GROUNDWATER DETECTION MONITORING PROGRAM		
J.2	Groundwater monitoring data and statistical calculations required annually.	During the <u>Months of April-June</u> Samples Collected Results Due to <u>the EPA by July 15 (List G1)</u>
J.3	Groundwater Surface Elevation.	Annually
J.4	Groundwater flow rate and direction.	Annually with the groundwater data due July 15
J.5	Surveyed Elevation.	Every 5 years <u>or</u> at the request of Illinois EPA <u>or</u> whenever the elevation changes. In addition, for new wells, at the time of installation.
J.6	Elevation of the bottom of each well.	Every 5 years due July 15.
<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
J.10.a	Notify the Illinois EPA in writing of	Within 7 days after the

	statistically significant increase.	increase was discovered.
J.10.b	Sample groundwater in all wells for Appendix I constituents.	Immediately after increase is discovered.
J.10.d	Apply for permit modification establishing compliance monitoring program.	Within 90 days after the increase was discovered.
J.10.e	Provide the Illinois EPA with corrective action feasibility plan.	Within 180 days after the increase was discovered.
J.11.a	Notify the Illinois EPA in writing of intent to make demonstration.	Within 7 days after the increase was discovered.
J.11.b	Submit a report to the Illinois EPA which demonstrates that a source other than a regulated unit caused the increase, or resulted from error.	Within 90 days after the increase was discovered.
J.11.c	Submit to the Illinois EPA application to change detection monitoring program.	Within 90 days after the increase was discovered.

SECTION IV: STANDARD CONDITIONS

6	Complete application for new permit.	At least 180 days prior to permit expiration.
11	Information requested by Illinois EPA and copies of records required to be kept by this permit.	Submittal date to be determined by the Illinois EPA.
14	Notify Illinois EPA of planned physical alterations or additions.	At least 15 days prior to planned change.
15	Notify Illinois EPA of changes which may result in permit noncompliance.	Within 15 days of change.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
16	Application for permit modification indicating permit is to be transferred.	At least 90 days prior to transfer date.
18	Submission of any information	Within 14 days after

	required in a compliance schedule.	each schedule date.
19	Report to Illinois EPA any non-compliance which may endanger health or environment.	
	telephone	Within 24 hours after discovery.
	in writing	Within 5 days after discovery.
20	Report all other instances of noncompliance.	March 1 of each year along with Annual Report.

Attachment A

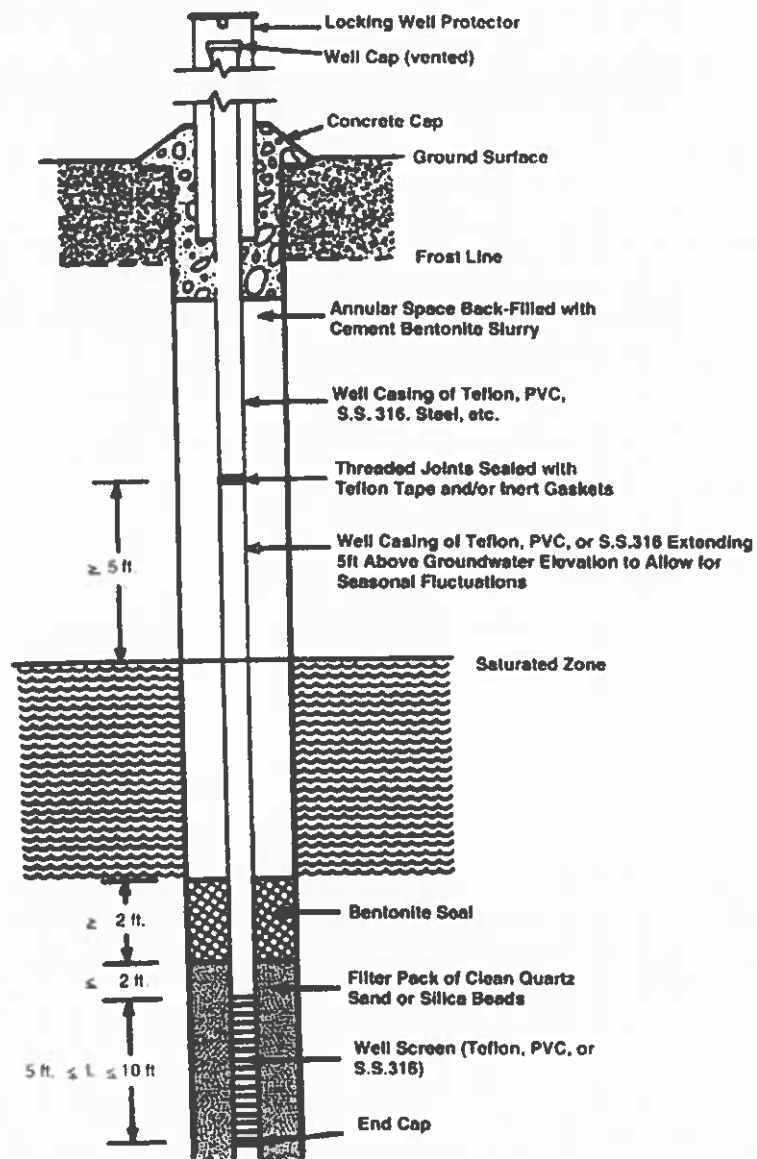
Groundwater Monitoring Attachments and Figures

LPC #1418210001

ILD980799751

Permit Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

Monitoring Well Diagram



1418210001-BFI Davis Junction
 Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
 Page A-2 of A-8



Illinois Environmental Protection Agency

Well Completion Report

Site Number: _____ County: _____

Site Name: _____ Well #: _____

State: _____ Borehole #: _____

Plane Coordinate: X _____ Y _____ (or) Latitude: _____ Longitude: _____

Surveyed by: _____ IL Registration #: _____

Drilling Contractor: _____ Driller: _____

Consulting Firm: _____ Geologist: _____

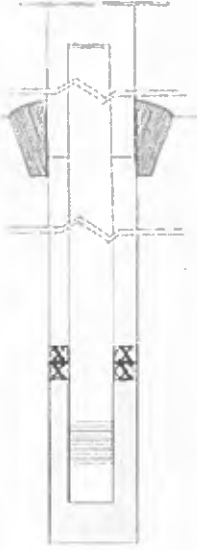
Drilling Method: _____ Drilling Fluid (Type): _____

Logged By: _____ Date Started: _____ Date Finished: _____

Report Form Completed By: _____ Date: _____

ANNULAR SPACE DETAILS

	Elevations (MSL)*	Depths (BGS)	(.01ft.)
	_____	_____	Top of Protective Casing
	_____	_____	Top of Riser Pipe
Type of Surface Seal: _____	_____	_____	Ground Surface
Type of Annular Sealant: _____	_____	_____	Top of Annular Sealant
Installation Method: _____	_____	_____	Static Water Level (After Completion)
Setting Time: _____	_____	_____	
Type of Bentonite Seal - - Granular, Pellet, Slurry (Choose One)	_____	_____	Top of Seal
Installation Method: _____	_____	_____	Top of Sand Pack
Setting Time: _____	_____	_____	Top of Screen
Type of Sand Pack: _____	_____	_____	Bottom of Screen
Grain Size: _____ (Sieve Size)	_____	_____	Bottom of Well
Installation Method: _____	_____	_____	Bottom of Borehole
Type of Backfill Material: _____ (if applicable)			
Installation Method: _____			



* Referenced to a National Geodetic Datum

CASING MEASUREMENTS

Diameter of Borehole (inches)	
ID of Riser Pipe (inches)	
Protective Casing Length (feet)	
Riser Pipe Length (feet)	
Bottom of Screen to End Cap (feet)	
Screen Length (1" slot to last slot) (feet)	
Total Length of Casing (feet)	
Screen Slot Size **	

**Hand-Slotted Well Screens are Unacceptable

WELL CONSTRUCTION MATERIAL

(Choose one type of material for each area)

Protective Casing	SS304, SS316, PTFE, PVC, or Other
Riser Pipe Above W.T.	SS304, SS316, PTFE, PVC, or Other
Riser Pipe Below W.T.	SS304, SS316, PTFE, PVC, or Other
Screen	SS304, SS316, PTFE, PVC, or Other

Well Completion Form (revised 02/06/02)

1418210001-BFI Davis Junction
Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
Page A-4 of A-8



Illinois
Environmental
Protection Agency

Bureau of Land
1021 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276

RCRA FACILITY GROUNDWATER, LEACHATE AND GAS REPORTING FORM

This form must be used as a cover sheet for the notices and reports, identified below as required by: (1) a facility's RCRA interim status closure plan; (2) the RCRA interim status regulations; or (3) a facility's RCRA permit. All reports must be submitted to the Illinois EPA's Bureau of Land Permit Section. This form is for use by Hazardous Waste facilities only. Reporting for Solid Waste facilities should be submitted on a separate form. All reports submitted to the Illinois EPA's Bureau of Land Permit Section must contain an original, plus a minimum of two copies.

Note: This form is not to be used with permit or closure plan modification requests. The facility's approved permit or closure plan will state whether the document you are submitting is required as a report or a modification request

Facility Name: _____ Site ID #: _____
Facility Address: _____ Fed ID #: _____

Check the appropriate heading. Only one heading may be checked for each corresponding submittal. Check the appropriate sub-heading, where applicable. Attach the original and all copies behind this form.

- LPC-160 Forms**
 - Groundwater
 - Quarterly – Indicate one: 1 2 3 4
 - Semi-Annual
 - Annual
 - Biennial
 - Leachate
 - Quarterly – Indicate one: 1 2 3 4
 - Semi-Annual
 - Annual
 - Biennial
- Groundwater Data (without LPC-160 Forms)**
 - Quarterly – Indicate one: 1 2 3 4
 - Annual Semi-Annual Biennial
- Well Construction Information**
 - Well Construction Forms, Boring Logs and/or Abandonment Forms
 - Well Survey Data (e.g., Stick-up Elevation Data)
- Notice of Statistically Significant Evidence of Groundwater Contamination (35 Ill. Adm. Code 724.198)**
- Notice of Exceedence of Groundwater Concentration Limit (35 Ill. Adm. Code 724.199(h))**
- Notice of Alternate Source or Error in Sampling Analysis or Evaluation of Groundwater (35 Ill. Adm. Code 724.199(i))**
- Gas Monitoring Reports**
- Other (identify) _____**

1418210001-BFI Davis Junction
 Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
 Page A-5 of A-8

Formatting Requirements for the 01 Record of the Electronically Submitted
 Groundwater and Leachate Data (the 01 Record portion of the LPC-160 is included
 for example purposes)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LAND POLLUTION CONTROL
CHEMICAL ANALYSIS FORM

Page 1 of _____

RECORD CODE: L P C S M 0 1

TRANS CODE: A

REPORT DUE DATE: / /

FEDERAL ID NUMBER: _____

SITE INVENTORY NUMBER: _____ MONITOR POINT NUMBER: _____
(see Instructions)

REGION: _____ CO.: _____ DATE COLLECTED: _____
23 M D Y 28

FACILITY NAME: _____

FOR IEPA USE ONLY

LAB: _____

DATE RECEIVED: _____

BACKGROUND SAMPLE (X) _____ TIME COLLECTED: _____
(24 Hr. Clock)

UNABLE TO COLLECT SAMPLE (see Instructions) _____

MONITOR POINT SAMPLED BY: _____ OTHER (SPECIFY) _____

SAMPLE FIELD FILTERED — INORGANICS (X) _____ ORGANICS (X) _____

SAMPLE APPEARANCE: _____

COLLECTOR COMMENTS: _____

LAB COMMENTS: _____

IL 532 1213
 LPC 160 01 90

This Agency is authorized to require this information under Illinois Revised Statutes, 1979 Chapter 111 1/2, Section 1004 and 1021. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$25,000 for each day the failure continues a fine up to \$1,000.00 and imprisonment up to one year. This form has been approved by the Forms Management Center.

All analytical procedures must be performed in accordance with the methods contained in "Test Methods for Evaluating Solid Wastes, Physical Chemical Methods," SW-846, 3rd Edition, September 1988 or equivalent methods approved by the Agency. Proper sample chain of custody control and quality assurance/quality control procedures must be maintained in accordance with the facility sampling and analysis plan.

*Only Key punch with Data in Column 35 or Columns 38-47

1418210001-BFI Davis Junction
Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
Page A-6 of A-8

KEY:

<u>Spaces Numbered</u>	<u>Description</u>	<u>Format</u>
Spaces 1-7	Record Code	LPCSM01
Space 8	Trans Code	A
Spaces 9-18	Site ID	0000000000
Spaces 19-22	Mon Pt ID	G000
Spaces 23-28	Date Collected	000000
Space 29	Lab	
Spaces 30-35	Filler	
Spaces 36-41	Report Due Date	000000
Spaces 42-47	Date Received	000000
Spaces 48-53	Filler 2	
Space 54	Background Sample	
Spaces 55-58	Time Collected	0000
Space 59	Unable to Collect Sample	
Space 60	Monitoring Point Sampled By	
Space 61	Field Filtered - Inorganic	
Space 62	Field Filtered - Organic	
Spaces 63-102	Sample Appearance	
Spaces 103-142	Collector Comments	
Spaces 143-149	Filler 3	
Spaces 150-199	Lab Comments	

1418210001-BFI Davis Junction
 Log No. B-142R2-M-1; M-2; M-4; M-6; M-7
 Page A-7 of A-8

**Formatting Requirements for the 02 Record of the Electronically Submitted
 Groundwater and Leachate Data (the 02 Record portion of the LPC-160 is included
 for example purposes)**

RECORD CODE <u>L</u> <u>P</u> <u>C</u> <u>S</u> <u>M</u> <u>0</u> <u>2</u>							TRANS CODE <u>A</u>		(COLUMNS 9-29 FROM ABOVE)	
	FIELD MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE	STORET NUMBER	Remarks Site Init.	Replicate	< or >	VALUE				
Q	TEMP OF WATER (unfiltered °F)	0 0 0 1 1				-----o-----				
Q	SPEC COND (unfiltered umhos)	0 0 0 9 4				-----o-----				
Q	pH (unfiltered units)	0 0 4 0 0				-----o-----				
Q	ELEV OF GW SURF (ft ref MSL)	7 1 9 9 3				-----o-----				
Q	DEPTH OF WATER (ft below LS)	7 2 0 1 9				-----o-----				
A	BTM WELL ELEV (ft ref MSL)	7 2 0 2 0				-----o-----				
Q	DEPTH TO WATER FR MEA PT (ft)	7 2 1 0 9				-----o-----				
						-----o-----				
						-----o-----				

IL 532 1213
 LPC 160 0190

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1004 and 1021. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$25,000 for each day the failure continues a fine up to \$1,000.00 and imprisonment up to one year. This form has been approved by the Forms Management Center.

All analytical procedures must be performed in accordance with the methods contained in "Test Methods for Evaluating Solid Wastes, Physical Chemical Methods," SW-846, 3rd Edition, September 1986 or equivalent methods approved by the Agency. Proper sample chain of custody control and quality assurance/quality control procedures must be maintained in accordance with the facility sampling and analysis plan.

*Only Key punch with Data in Column 35 or Column 38-47

KEY:

<u>Spaces Numbered</u>	<u>Description</u>	<u>Format</u>
Spaces 1-7	Record Code	LPCSM02
Space 8	Trans Code	A
Spaces 9-18	Site ID	0000000000
Spaces 19-22	Mon Pt ID	
Spaces 23-28	Date Collected	
Space 29	Lab	
Spaces 30-34	STORET Number	
Space 35	Remarks	
Space 36	Replicate	
Space 37	< or >	
Space 38-47	Value	

ILLINOIS EPA MONITOR WELL PLUGGING AND ABANDONMENT PROCEDURES

		Well Construction	Plugging Procedure
I. Unconsolidated Sediment Wells	I-A	...if backfilled with cement grout above bentonite seal and/or sandpack:	<ol style="list-style-type: none"> 1. Cut casing off at desired depth. 2. Mix neat cement slurry (5 gal. water per 94 lb. bag cement). 3. Insert tremie pipe (1" i.d. pvc) into well and extend to bottom. 4. Slowly pump slurry under low pressure through tremie pipe. 5. Slowly withdraw tremie pipe - making sure bottom of pipe remains below pure slurry. 6. Continue slow pumping until all formation water and the watery slurry mix is displaced from top of casing.
	I-B	...if backfilled with soft sediments (cuttings) above bentonite seal and/or sandpack:	<ol style="list-style-type: none"> 1. Knock out and remove thin surface concrete plug, if present. 2. Re-auger entire length of well. 3. Remove well casing from re-augured borehole. 4. Mix neat cement slurry (5 gal. water per 94 lb. bag cement). 5. Insert tremie pipe (1" i.d. pvc) into augers and extend to bottom. 6. Slowly pump slurry under low pressure through tremie pipe. 7. Continue slow pumping until all formation water and the water slurry mix is displaced from top of casing. 8. Slowly withdraw tremie pipe - making sure bottom of pipe remains below pure slurry. 9. Pull a flight of augers (5" if in unstable materials and hole collapse is likely or 10" if in competent material and collapse is unlikely). 10. Top off cement slurry after each flight is removed.
	I-C	...if monitor well construction is unknown:	<ol style="list-style-type: none"> 1. Follow procedures in I-A.
	II-A	...All bedrock monitor wells:	<ol style="list-style-type: none"> 1. Cut casing off at desired depth. 2. Mix neat cement slurry (5 gal. water per 94 lb. bag cement). 3. Insert tremie pipe (1" i.d. pvc) into well and extend to bottom. 4. Slowly pump slurry under low pressure through tremie pipe. 5. Slowly withdraw pipe making sure bottom of pipe remains below pure slurry. 6. Continue slow pumping until all formation water and the watery slurry mix is displaced from top of casing.
II. Bedrock Wells			

Attachment B

Construction Certification Form

LPC #1418210001

ILD980799751

Permit Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

CERTIFICATION

This statement is to be completed by both the responsible officer and the registered professional engineer upon completion of any construction required by this permit in accordance with 35 Ill. Adm. Code 702.126. Submit one copy of the certification with original signatures and two additional copies. Forward these certification statements and any information required by the permit to the following address:

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

FACILITY NAME: Browning Ferris Industries - Davis Junction Landfill
IEPA SITE CODE: 1418210001
USEPA ID NO.: ILD 980700751
PERMIT LOG NO. B-142R2-M-1; M-2; M-4; M-6; M-7
PERMIT (OR MODIFICATION) ISSUANCE DATE:
PERMIT CONDITION NO. REQUIRING CERTIFICATION:

The has been constructed in accordance with the specifications in the post-closure permit application. Documentation that the construction was in accordance with the permit is contained in the enclosed report. 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 fine and imprisonment for knowing violations.

Signature of Owner/Operator

Name and Title

Signature of Registered P.E.

Name of Registered P.E. and
Illinois Registration Number

(P.E license expiration date)

(P.E. Seal)

DATE

JC:JDN:1418210001-RCRA-B142R2M1-B142R2M2-B142R2M4-B142R2M6-B142R2M7-
Approval.docx

Attachment C

Post-Closure Cost Estimate

LPC #1418210001

ILD980799751

Permit Log No. B-142R2-M-1; M-2; M-4; M-6; M-7

Post-Closure Cost Estimate

The currently approved post-closure cost estimate in the current RCRA Post-Closure Permit is \$2,589,796 (in 2022 dollars). This estimate must be updated when establishing financial assurance in accordance with 35 Ill. Adm. Code 724, Subpart G. Based on the most recent post-closure cost estimate submitted December 1, 2022, and received by the Illinois EPA on December 5, 2022, the updated breakdown of the estimate should be updated as follows:

1. Estimate of post-closure care costs on an annual basis in 2022 dollars:

Post-closure inspections	\$8,143
Groundwater monitoring	\$10,636
<u>Leachate Management</u>	<u>\$59,248</u>
Total	\$78,027
<u>10% Contingency</u>	<u>\$7,803</u>
Total Annual Cost (w/Contingency):	\$85,830

One Time Costs:

Well Abandonment:	\$13,542
<u>10% Contingency, One-Time Costs:</u>	<u>\$1,354</u>
Total One-Time Costs:	\$14,896

2. Total post-closure care cost estimate =
 $(\$85,830 \text{ per year}) \times (30.0 \text{ years}) + \$14,896 = \$2,589,796$



2021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

217/524-3300

October 21, 2014

CERTIFIED MAIL
7010 2780 0002 1196 7474

John Doyen
Republic Services Co.
9813 Flying Cloud Drive
Eden Prairie, MN 55347

RE: 1418210001 – Ogle County
BFI – Davis Junction Landfill – Phase I
ILD980700751
Log No. B-142R-M-15
Class 2 Permit Modification
RCRA Permit
Permit Approval



Dear Mr. Doyen:

This letter is in response to your Class 2 permit modification request, submitted by Weaver Boos Consultants on your behalf, dated August 4, 2014, and October 3, 2014 and received by the Illinois EPA on August 6, 2014 and October 8, 2014. Your submittals requested Illinois EPA approval for the following; (1) modification of various aspects of the post-closure care program; (2) extension of the post-closure care period for ten (10) years until December 5, 2024; and (3) updated post-closure care cost estimate for the above referenced facility.

The Illinois EPA has reviewed the information contained in your submittals and hereby approves the request for modification. This determination was based on our review of (1) the RCRA Post Closure Permit (Permit) issued to BFI; (2) the regulations [35 IAC Subtitle G]; and (3) the information contained in your submittal.

A revised RCRA Permit and a summary of revisions to your RCRA Permit are attached to this letter. The information contained in your submittals has been incorporated into your approved permit application. Operations at the above referenced facility must be in accordance with the RCRA Permit issued to BFI and all subsequent approved modifications to the RCRA Permit.

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 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 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.

Mr.Doyen
Page 2

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

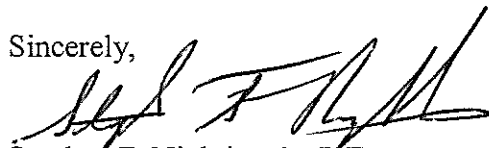
For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, 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 Engineering Practice Act of 1989, the Professional Land Surveyor 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 monitoring portions of the permit, please call Paula Stine at 217/524-3861. If you have any questions regarding any other portion of the permit, please contact Kelly Huser at 217/524-3867

Sincerely,



Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

SFN:KDH:1418210001-RCRA-B142RM15-Approval.docx

KDH JKM IBM
Attachment: Revised RCRA Permit
Summary of Revisions to the Permit

cc: James Hitzeroth, BFI Waste Systems of North America, LLC
Michael B. Maxwell, LPG, Weaver Boos
Gary Victorine, Region V, U.S. EPA

Electronic Filing: Received, Clerk's Office 1/30/2024 **PCB 2024-029**
Summary of Revisions to the Permit
B-142R-M-15

1. Condition I.A has been revised to include the addition of 10 years to the post closure care period.
2. Condition I.C.1 has been revised to "December 5, 2024".
3. Condition I.C.8.b has been revised to reflect leachate will be sampled and analyzed in accordance with the Delisting Petition approved by the Illinois Pollution Control Board.
4. Condition II.E Modifications:
 - a. Removed all references to semi-annual and replaced with annual;
 - b. Removed all references to List G2;
 - c. Replaced current parameter list to the parameters in Table 1 of the Supplementary information to M-15;
 - d. Parameter list modified to include totals for arsenic, barium, cadmium, chromium, lead, selenium, and zinc and to include proper units (mg/l) for dissolved arsenic and dissolved zinc.
 - e. Removed the "Note" on page II-6 and combine with the notes on Page II-9;
 - f. Removed ":* Blanks (--) indicate that only dissolved parameters were included in original background. Four quarters totals are being collected from upgradient wells" on Page II-8.
 - g. Removed item ii. and iv. under the "NOTE" on page II-9.
5. Condition II.F was modified to remove all references to semi-annual and replace with annual.
6. Removed Condition II.I.6.
7. Condition II.J.2 modified to remove the line "October-December January 15 List G1" under the sampling/reporting schedule and replaced to semi-annual with annual.
8. Condition II.J.3 was modified to replace semi-annually with annually.

Electronic Filing: Received, Clerk's Office 1/30/2024 **PCB 2024-029**
Summary of Revisions to the Permit
B-142R-M-15

9. Under Section V:

- a. Section II.J.2 modified to replace semi-annually with annually and to remove "October-December January 15 (List G1)" and G2; and
- b. Section II.J.3 modified to replace Semi-annually with Annually.

10. Attachment D has been updated.



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS WASTE MANAGEMENT RCRA POST CLOSURE PERMIT

1418210001 -- Ogle County
ILD980700751
Davis Junction Landfill
Log No. B-142R-M-15
RCRA Permit

Issue Date: December 20, 2007
Effective Date: January 24, 2008
Expiration Date: December 20, 2017
Modification Date: October 21, 2014

BFI Waste Systems of North America, LLC
Attn: James Hitzeroth
26 West 580 Schick Road
Hanover Park, Illinois 60103

A RCRA Post Closure permit is hereby granted pursuant to the Resource Conservation and Recovery Act, Illinois Environmental Protection Act, and Title 35 Illinois Administrative Code (IAC) Parts 702, 703, 705 and 720 through 729 to the BFI Waste Systems of North America, LLC (BFI) to provide Post Closure Care for a waste management facility involved in the disposal of hazardous waste. BFI's Davis Junction Landfill is located at the southwest corner of the intersection of Edson Road and U.S. Route 251 in Ogle County, Illinois.

This permit consists of the conditions contained herein (including those in any attachments and appendices) and applicable regulations contained in the Illinois Environmental Protection Act and Title 35 IAC Parts 702, 703, 705 and 720 through 729 in effect on the effective date of this permit. The Environmental Protection Act (415 ILS 5/1 et. seq) grants the Illinois Environmental Protection Agency the authority to impose conditions on permits which are issued.

If you have any questions regarding the groundwater-related aspects of this permit, please contact Paula Stine at 217/524-3861. Please contact Kelly Huser at 217/524-3867 regarding the other aspects of this permit.

Sincerely,

Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

SFN:JKM:KDH/1418210001-RCRA-B142RM15-Approval.docx

KDH JKM PSTBM

RCRA POST-CLOSURE PERMIT

BFI Waste Systems of North America, LLC

Davis Junction, Illinois

LPC No. 1418210001

USEPA ID No. ILD980700751

Log No. B-142R-M-15

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. Post-Closure Care	I-1 to I-5
II. Groundwater Detection Monitoring Program	II-1 to II-14
III. Standard Conditions	III-1 to III-11
IV. Corrective Action	IV-1 to IV-6
V. Reporting and Notification Requirements	V-1 to V-4

LIST OF ATTACHMENTS

<u>ATTACHMENT</u>	<u>PAGE</u>
A. Summary of Corrective Action Efforts Completed to Date	A-1
B. Groundwater Monitoring Attachments and Figures	B-1 to B-7
C. Certification Document for Construction	C-1 to C-1
D. Post-Closure Cost Estimate	D-1

Section I: POST-CLOSURE

A. SUMMARY

Hazardous waste management units where waste is left in place must receive post-closure care from a minimum of 30 years, December 5, 1984 until at least December 5, 2014. The Permittee must continue post-closure care for an additional ten (10) years or until December 5, 2024. Activities required during post-closure care include, but are not limited to (1) maintenance of final cover, (2) monitoring of the groundwater, (3) providing financial assurance for post-closure activities pursuant to 35 IAC Part 724.

B. UNIT IDENTIFICATION

The Permittee shall provide post-closure care for the following hazardous waste management unit, subject to the terms and conditions of this permit:

Phase I is a hazardous waste landfill unit that occupies approximately 29.5 acres in the southwest corner of the facility between facility coordinates 0-900 East and 0-1425 North. The unit is excavated down to an elevation of 712 feet MSL at the north end and 717 feet MSL at the south end. The floor of the unit is situated in a layer of in-situ clayey soils. Sides of the unit consist of compacted clay walls that were designed to impede migration into an upper sand layer on the north, south and west sides of the unit and into Phase 2 on the east side of the unit. These clay walls were required by permit to be a minimum of ten feet thick. The existing cover system for the unit 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 contained in the old cover system at the facility. The unit's existing leachate collection system consists of 12 leachate extraction points on 250 to 300 foot centers throughout the landfill unit.

Wastes received at the facility included municipal refuse, special wastes, and hazardous waste (in Phase I only). 35 IAC 703.121 requires owners and operators of landfill units that received waste after January 26, 1982 or certified closure in accordance with 35 IAC 725.215 after January 26, 1983, to obtain post-closure permits, unless closure by removal as described in 35 IAC 703.159 and 160 has been achieved. Since hazardous waste was received in Phase I after January 26, 1982 (the last load of hazardous waste was received on January 25, 1983), a RCRA Post-Closure Permit is required for Phase I.

Post-closure permit conditions deal with monitoring, maintaining and recordkeeping of the hazardous waste management units in accordance with the provisions of the post-closure care plans. Section I contains conditions specific to post-closure and implements the regulatory requirements of 35 IAC 724, Subpart G.

C. MONITORING, MAINTENANCE, AND RECORDKEEPING

1. The Permittee shall continue to conduct post-closure care for the hazardous waste management unit listed in Section B above. Post-closure care of the unit began on December 5, 1984 and must continue until at least December 5, 2024.
2. The Illinois EPA may include restrictions upon the future use of the site if necessary to protect public health and the environment, 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. After administrative and judicial challenges to such restrictions have been exhausted, the Illinois EPA shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.
3. The Permittee shall not allow any use of the unit designated in Section B that will disturb the integrity of the final cover, liners and components of the containment system, or function of the facility's monitoring systems during the post-closure care period unless such use is necessary to protect public health or the environment.
4. The Permittee shall implement the approved Post-Closure Plan contained in the Approved Permit Application. All post-closure care activities must be conducted in accordance with the provisions of the approved Post-Closure Plan.
5. The Permittee must request a permit modification to authorize a change in the approved Post-Closure Plan. This request must be in accordance with applicable requirements of Parts 702, 703 and 724 and must include a copy of the amended Post-Closure Plan for approval by the Illinois EPA.
6. The Illinois EPA may require, at partial and final closure, continuation of any of the security requirements during part or all of the post-closure period.
7. The Permittee shall maintain and monitor the groundwater monitoring system and comply with the other applicable regulations of 35 IAC 724 Subpart F (Groundwater Protection) during the post-closure period.
8. The Permittee shall comply with the requirements for landfills as follows:
 - a. 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, cracking or other events.

1418210001

Log No. B-142R-M-15

Page I-3 of I-5

Corrective action shall be taken if ponding has been observed, if cracks or erosion channels greater than one inch wide have formed for whatever reason and if gas, odor, vegetative or vector problems arise, if leachate popouts or seeps are present, or if vegetation with tap roots is found to be growing in areas which are not designed to accommodate such.

- b. Continue to operate the leachate collection and removal system throughout the Post Closure Care period 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. Data from the annual leachate analysis must be recorded and maintained with the facility operating record.

- c. Prevent run-on and run-off from eroding or otherwise damaging the final cover.
 - d. Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F.
 - e. Protect and maintain surveyed benchmarks used in complying with surveying and recordkeeping requirements.
9. The approved cost estimate for providing the remainder of the required post-closure care for this facility is provided in Attachment D to this permit.

D. INSPECTIONS

The Permittee shall inspect the components, structures, and equipment at the site in accordance with the inspection schedule contained in the approved permit application.

E. NOTICES AND CERTIFICATION

1. If the Permittee or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, then he must request a modification to this post-closure permit in accordance with the applicable requirements in 35 IAC Parts 703, 705 and 724. The owner or operator must at a minimum demonstrate that the removal of hazardous wastes will satisfy the criteria of 35 IAC 724.217(c).
2. No later than sixty (60) days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittee shall submit to the Illinois EPA, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Illinois EPA upon request until the Illinois EPA releases the Permittee from the financial assurance requirements for post-closure care.

F. 39i CERTIFICATION

1. The permittee shall submit a 39(i) certification and supporting documentation within 30 days of any of the following events:
 - a. the owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has violated federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
 - b. the owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility has been convicted in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
 - c. the owner or operator or officer of the owner, or operator, or any employee who has control over operating decisions regarding the facility

1418210001

Log No. B-142R-M-15

Page I-5 of I-5

has committed an act of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste; or

- d. a new person is associated with the owner or operator who can sign the application or who has control over operating decisions regarding the facility, such as a corporate officer or a delegated employee.

The certification shall describe the violation(s), convictions, carelessness or incompetence as outlined in a, b, or c above and must include the date that a new person as described in d above began employment with the applicant.

The 39i certification and supporting documentation shall be submitted to the address specified below:

Illinois Environmental Protection Agency
Bureau of Land #33
39(i) Certification
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SECTION II: GROUNDWATER DETECTION MONITORING PROGRAM

A. SUMMARY

Groundwater parameters monitored in the uppermost aquifer below the BFI Davis Junction Landfill facility indicate that at the present time no groundwater impacts have occurred. Therefore, a Groundwater Detection Monitoring Program meeting the requirements of 35 Ill. Adm. Code 724.198 shall be implemented at the facility.

B. DEFINITION

As used herein, the words or phrases set forth below shall have the following definitions:

1. "BFI Davis Junction" shall refer to BFI Waste Systems of America, LLC Davis Junction Landfill (Phase I).
2. "Site" or "Facility" refers to the location at the southwest corner of the intersection of Edson Road and U.S. Route 251 in Ogle County, Illinois.
3. "Permittee" refers to the Facility.
4. "Illinois EPA" refers to the Illinois Environmental Protection Agency.
5. "RCRA" shall mean the Resource Conservation and Recovery Act as defined by Section 3.425 of the Environmental Protection Act, 415 ILCS 5/1 (2006).
6. "Permit" refers to the RCRA Part B Permit.
7. "Point of Compliance" refers to the vertical surface located at the hydraulically downgradient limits of the landfill extending down into the uppermost aquifer underlying the regulated unit.
8. "Ft-bgs" refers to the number of feet below the ground surface.
9. "Ft-MSL" refers to the number of feet below the ground surface referenced to mean sea level.
10. "Detected" shall mean a concentration equal to or above the PQL listed in the latest version of USEPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) for the applicable analytical methods specified in the approved

1418210001

Log No. B-142R-M-15

Page II-2 of II-14

Sampling and Analysis Plan, which are incorporated by reference in Condition II.H of the Permit.

11. "Uppermost Aquifer" refers to the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically connected with this aquifer in the vicinity of the facility. The uppermost aquifer in the vicinity of the BFI Davis Junction facility consists of alluvial and outwash deposits and include fine to medium sands with some silts underlain by fine to coarse sand, which is then underlain by a basal fine sand.
12. "Stick-up" refers to the height of the referenced survey datum. This point is determined within ± 0.01 foot in relation to mean sea level, which in turn is established by referenced to an established National Geodetic Vertical Datum.

C. IMPLEMENTATION

1. The Permittee shall implement the Groundwater Detection Monitoring Program upon the effective date of this Permit. On that date, the groundwater monitoring requirements set forth in this Permit shall supersede those previously established.
2. The Permittee shall carry out the detection monitoring specified in this Permit on the groundwater beneath the BFI Davis Junction Landfill in Davis Junction, Illinois. The uppermost aquifer beneath this site is defined as the interconnecting sands and sands and gravels within the Rock Bedrock Valley as well as the underlying and adjacent Galena-Platteville, lower St. Peter Sandstone and the entire thickness of the Cambrian Ordovician Aquifer. The Rock Bedrock Valley contains approximately 250 feet of sand and gravel. For the purpose of this Permit and in accordance with the 35 Ill. Adm. Code Part 620 regulations, the uppermost aquifer has been designated Class I: Potable Resource Groundwater.

NOTE: At this time and pursuant to the information presented in the permit application, only the uppermost portion of the uppermost aquifer shall be monitored since little if any impact has occurred. If an impact to the upper portion of the uppermost aquifer is confirmed, investigation of the lower portions shall be required. Wells designated with an "M" shall be screened in the upper fine sand which occurs between approximately 686 MSL to 700 MSL. Where the fine sand is absent, "M" wells shall be screened in coarser materials within the same approximate interval. Wells with a "D" shall be screened in the most efficient sand and gravel portion at approximately 615 MSL to 686 MSL. Piezometer designations with a "S" are screened in intermittently saturated zones above the intermediate ("M") and deep ("D") wells.

1418210001

Log No. B-142R-M-15

Page II-3 of II-14

3. The Point of Compliance, defined as a vertical surface located at the hydraulically downgradient limit of the landfill that extends down into the uppermost aquifer underlying the regulated unit, is delineated by the wells identified as the point of compliance wells in Condition II.D.1.

D. WELL LOCATIONS AND CONSTRUCTION

1. The Permittee shall maintain the groundwater monitoring wells and piezometers identified in the table below to allow for the collection of groundwater samples and elevations from the uppermost aquifer. The location of these wells and piezometers are specified in Figure 2 of the approved Permit Renewal Application.

<u>IEPA Well No.</u>	<u>Facility Well No.</u>	<u>Well Depth (Ft-bgs)</u>	<u>Well Depth Elevation (Ft-MSL)</u>	<u>Well Screen Interval (Ft-MSL)</u>
------------------------------	----------------------------------	------------------------------------	--	--

Upgradient Wells

G62M	G162S(l)	50.7	686.6	686.6-691.6
G66M	G166I	70.1	691.1	691.1-696.1
G75M	G175I	73.9	686.6	686.6-691.6

Point of Compliance Wells

G55M	G155I	29.0	694.3	694.3-699.3
G67M	G167I	30.3	691.1	691.1-696.1
G69M	G169I	29.0	696.8	693.8-698.8
G76M	G176I	28.9	694.0	694.0-699.0
G77M	G177I	33.0	691.5	691.5-696.5

Piezometers

G55S	G155S	9.40	714.3	714.3-716.8
G63S	G163S	19.89	701.9	701.9-706.9
G63M	G163I	50.7	670.9	670.9-675.9
G67S	G167S	8.3	713.0	713.0-715.5
G68S	G168S	12.1	707.6	707.6-712.6

Upgradient Wells

G62D	G162D	83.0	654.4	654.4-659.4
G66D	G166D	80.9	681.1	681.1-686.1

Compliance Point Wells

G55D	G155D	52.7	670.3	670.3-675.3
G67D	G167D	55.2	666.4	666.4-671.4
G69D	G169D	55.0	667.7	667.7-672.7
G77D	G177D	56.5	667.3	667.3-672.3

Piezometers

G63D	G163D	164.9	557.5	557.5-562.5
------	-------	-------	-------	-------------

2. Construction of each new monitor well piezometer must be in accordance with the diagram contained in Attachment B to this Permit unless otherwise approved in writing by the Illinois EPA. Any new monitor wells/piezometers to be installed must be continuously sampled and logged, except in the case of a shallower well located within 10 feet of a deeper well which has been continuously sampled and logged and must be logged on Illinois EPA boring logs which can be found at <http://www.epa.state.il.us/land/regulatory/programs/permits-and-management/form/index.html#groundwater-permits>.
3. The Permittee shall notify the Illinois EPA within thirty (30) days in writing if any of the wells identified in Condition II.D.1 are damaged or the structural integrity has been compromised. A proposal for the replacement of the subject well shall accompany this notification. The well shall not be plugged until the new well is on-line and monitoring data has been obtained and verified, unless the well is extremely damaged and would create a potential route for groundwater contamination. Prior to replacing the subject well, the Permittee shall obtain written approval from the Illinois EPA regarding the proposed installation procedures and construction.
4. Should any well become consistently dry or unserviceable, a replacement well shall be provided within ten (10) feet of the existing well. This well shall monitor the same zone as the existing well and be constructed in accordance with the current Illinois EPA groundwater monitoring well construction standards at the time the wells are replaced. A replacement well which is more than ten (10) feet from the existing well or does not monitor the same geologic zone must be approved by the Illinois EPA and designated as a new well.
5. The Permittee shall submit boring logs, construction diagrams and data sheets from installation and development of a new or replacement well to the Illinois EPA at the address below within sixty (60) days of the date that installation of the well is completed. In addition, the Permittee shall submit certification that plugging and

1418210001
 Log No. B-142R-M-15
 Page II-5 of II-14

abandonment of a well was carried out in accordance with the approved procedures to the Illinois EPA at the address below within sixty (60) days of the date that the well is plugged and abandoned. All information should be submitted to the appropriate State Agencies.

Illinois Environmental Protection Agency
 Bureau of Land - #33
 Permit Section
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

6. All wells/piezometers shall be equipped with protective caps and locks. Monitoring wells or piezometers located in high traffic areas must be protected with bumper guards or other alternate barriers.
7. All wells/piezometers not utilized in the approved groundwater monitoring system, but retained by the facility, must be constructed and maintained in accordance with 77 Ill. Adm. Code 920 regulations. Monitoring wells that are improperly constructed must be abandoned in accordance with Condition II.D.3.

E. MONITORING PARAMETERS

The Permittee shall determine groundwater quality at groundwater monitoring well identified in Condition II.D.1 at both upgradient and point of compliance locations, or other wells annually during the active life (including closure and post-closure care period) of the landfill. Samples collected during the annual sampling events of each year shall be analyzed for the constituents below.

List G1 Annual Groundwater Sampling

<u>Field Parameters</u>	<u>Storets Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
pH	00400	6.71-8.13	6.62-8.13
Specific Conductance	00094	1608	1608
Temperature of Water Sample (°F)	00011		
Turbidity (Ntus)	45626		
Depth to Water (Ft. below land surface)	72019		
Depth to Water (Ft. below measuring point)	72109		
Elevation of Bottom of Well (Ft. MSL)#	72020		

List G1 Annual Groundwater Sampling (cont.)

Elevation of Groundwater Surface (Ft. MSL) 71993
 Elevation of Measuring Point (Top of casing Ft. MSL)## 72110

Shall be surveyed once every five (5) years, or whenever pumps are removed from the well for maintenance, or at the request of the Illinois EPA, or whenever the elevation changes as required by Condition II.J.6.

Shall be surveyed once every five (5) years; or at the request of the Illinois EPA; or whenever the elevation changes in accordance with Condition II.J.5.a.

List G1 Annual Groundwater Sampling (cont.)

<u>Indicator Parameters</u>	<u>Storets Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
Arsenic (Dissolved) mg/l	01000	.023	.011
Arsenic (Total) mg/l	01002	.002	.013
Barium (Dissolved) ug/l	01005	100	100
Barium (Total) ug/l	01007	<100	110
Cadmium (Dissolved) ug/l	01025	8	<5
Cadmium (Total) ug/l	01027	5	5
Chromium (Dissolved) ug/l	01030	14	<10
Chromium (Total) ug/l	01034	760	760
Cyanide (Total) mg/l	00720	.02	.005
Lead (Dissolved) ug/l	01049	40	6
Lead (Total) ug/l	01051	22	11
Selenium (Dissolved) mg/l	01145	<.005	<.002
Selenium (Total) mg/l	01147	2	2
Zinc (Dissolved) mg/l	01090	.074	.04
Zinc (Total) ug/l	01092	26	30

<u>Parameters</u>	<u>Storet Numbers</u>	<u>Background Levels</u>	
		<u>Shallow/Intermediate</u>	<u>Deep</u>
Acetone	81552	100	100
Benzene	34030	5	5

List G1 Annual Groundwater Sampling (cont.)

Cobalt (mg/L)	01037	.1	.1
Copper (mg/L)	01042	.01	.025
Dichloromethane (Methylene Chloride)	34423	5	5
Endrin	39390	2	2
Ethylbenzene	78113	5	5
Ethyl Ether (Diethyl Ether)	81576	5	5
Heptachlor	39410	.4	.4
Nickel	01067	510	510
Styrene	77128	10	10
Tetrachloroethylene	34475	5	5
Toluene	34010	5	5
Trichloroethylene	39180	5	5
Vinyl Chloride	39175	2	2
Xylenes	81551	5	5
1,1-Dichloroethane	34496	5	5
cis-1,2-Dichloroethylene	77093	5	5
1,4-Dioxane	82388	5	5
2,4,5 TP (Silvex)	39760	2	2
2,4-Dichlorophenoxyacetic Acid (2,4-D)	39730	10	10
2-Butanone (Methyl Ethyl Ketone)	81595	10	10
1,4(para) Dichlorobenzene	34571	5	5
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	78133	10	10
bis (2-ethyl hexyl) phthalate	39100	20	20
2-Methylphenol (o-cresol)	77152	10	10
3-Methylphenol (m-cresol)	77151	10	10
4-Methylphenol (p-cresol)	77146	10	10
Acetophenone	81553	10	10
2,4-Dimethylphenol	34606	10	10

NOTE:

- i. Background concentrations are given in ug/L except as otherwise noted. Also, the monitoring results should be reported in ug/L units unless otherwise indicated.
- ii. All parameters with the "(Dissolved)" label to the right shall be determined using groundwater samples which have been filtered through a 0.45 micron filter.

- iii. In cases where log-transformed values better describe a normal distribution and are used to determine groundwater parameters, all future well comparisons within that parameter must be made with log-transformed data for significance or compliance.
- iv. Included in the annual sampling report shall be the calculated rate of migration and direction including the supporting calculations and assumptions using site specific data. Hydraulic conductivity shall be determined utilizing results from field testing rather than estimating the hydraulic conductivity using grain size analysis.

F. DETECTION MONITORING PROGRAM

1. The Permittee shall determine groundwater quality at each monitoring well identified in Condition II.D.1 annually during the active life of the regulated unit (including the closure and post-closure care periods). The Permittee shall express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant changes (i.e. means, variances, etc.).
2. The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer annually, and reported to the Illinois EPA at least annually from monitoring wells identified in Condition II.D.1
3. The Permittee shall determine whether there is a statistically significant increase, (or decrease in the case of pH) over the background values established for each parameter identified in Condition II.E.1 or the 35 Ill. Adm. Code 620, Class I Groundwater Quality Standards, whichever is greater, each time groundwater quality is determined at the point of compliance.

G. GROUNDWATER ELEVATION

1. The Permittee shall determine the groundwater surface elevation referenced to mean sea level (MSL) at each well each time groundwater is sampled in accordance with Condition II.J.3.
2. The Permittee shall determine the surveyed elevation of "stick-up" referenced to MSL when the well is installed (with as-built diagrams) and every five (5) years; or at the request of the Illinois EPA; or whenever the elevation changes in accordance with Condition II.J.5.
3. Elevation, as referenced to MSL, of the bottom of each monitoring well (Storet 72020) is to be reported once every five (5) years, or whenever the pumps are removed from the well for maintenance; or at the request of the Illinois EPA; or whenever the

elevation changes in accordance with Condition II.J.6. The mandatory measurement shall be taken during the annual sampling event.

H. SAMPLING AND ANALYSIS PROCEDURES

1. The Permittee shall use the techniques and procedures described in Appendix J of the approved Permit Renewal Application except as modified below, when obtaining and analyzing samples from the groundwater monitoring wells described in Condition II.D.1 above:
 - a. Samples shall be collected by the techniques described in Appendix J of the approved Permit Renewal Application.
 - b. Samples shall be preserved and shipped (when shipped off-site for analysis) in accordance with the procedures specified in Appendix J of the approved Permit Renewal Application.
 - c. Samples shall be analyzed in accordance with the procedures specified in Appendix J of the approved Permit Renewal Application.
 - d. Samples shall be tracked and controlled using the chain of custody procedures specified in Appendix J of the approved Permit Renewal Application.
2. Sampling will be collected first from upgradient wells, proceed to non-contaminated downgradient wells, and then proceeding to the downgradient wells which are known to be contaminated.
3. Purging of groundwater must continue until measurements of field parameters (pH, specific conductance, temperature, and turbidity) have stabilized within approximately 10% over at least two measurements collected over three to five minute intervals. If a well is purged to dryness or is purged such that the full recovery exceeds two hours, the well should be sampled as soon as sufficient volume of groundwater has entered the well to enable the collection of the necessary groundwater samples.
4. Purged groundwater must be collected, containerized and disposed of properly. Water collected during purging activities must be collected then stored in appropriate containers until analytical results are available, at which time proper arrangements for disposal or treatment must be made.
5. Analytical methods to be utilized by the facility must be in accordance with the latest version of USEPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846) Third Edition, Final Update III, Revision 4.

6. Quality assurance/quality control procedures which meet the requirements of SW-846 must be implemented during all sampling and analysis efforts. In addition, sample collection, handling, preservation, preparation, and analysis must be conducted in accordance with the procedures set forth in SW-846.

I. STATISTICAL PROCEDURES

When evaluating the monitoring results in accordance with Condition II.F, the Permittee shall use the following procedures:

1. The statistical method used to obtain background concentrations shall be as specified in the approved Permit Renewal Application.
2. Non-detects and censored data shall be treated as specified in Appendix Q of the approved Permit Renewal Application.
3. A statistically significant increase above background of the parameters identified in Condition II.E.1 is when an observed concentration of such a constituent in a downgradient well exceeds the background concentration (95% tolerance interval) listed in Condition II.E.1.
4. For constituents which have not been detected in the groundwater, the practical quantitation limit (PQL) shall be used as the background concentration.
5. If a given constituent is found above background in the sample, the Permittee may resample within thirty (30) days. This sample shall be analyzed for the constituent(s) detected above background in the initial samples.

J. REPORTING AND RECORDKEEPING

1. The Permittee shall enter all monitoring, testing, and analytical data obtained in accordance with Conditions II.E, II.F, II.G, II.H and II.I in the operating record. The data must include all computations, calculated means, variances, t-statistic values and t-statistic results or results of statistical test that the Illinois EPA has determined to be equivalent.
2. Samples collected to meet the requirements of the groundwater monitoring program described in Conditions II.E, II.F, II.G, and II.I shall be collected and reported, as identified in the table below. All additional information required by the groundwater monitoring program (as specified in Conditions II.E, II.F, II.G and II.I) shall also be

submitted to the Illinois EPA at the address listed in Condition II.D.5 in accordance with this schedule.

<u>Samples to be Collected During The Months of</u>	<u>Results Submitted to the Illinois EPA by the Following</u>	<u>Parameters</u>
April - June	July 15	Lists G1

3. Groundwater surface elevation data, measured pursuant to Condition II.G.1 shall be collected annually and submitted to the Illinois EPA as identified in the table above.
4. The Permittee shall report the groundwater flow rate and direction in the uppermost aquifer as required by Condition II.F.2 during the annual sampling event of the year.
5. The Permittee shall report the surveyed elevation, as required by Condition II.G.2, of the top of the well casing "stick-up", referenced to MSL in accordance with the following schedule:
 - a. For wells identified in Condition II.D.1, every five (5) years (during the annual sampling event); or at the request of the Illinois EPA; or whenever the elevation changes.
 - b. For any new wells, at the time of installation and reported in the as-built diagrams, subsequent measurements shall be made every five (5) years (during the annual sampling event), or at the request of the Illinois EPA, or whenever the elevation changes.
6. Elevation of the bottom of each monitoring well identified in Condition II.D.1, as referenced to MSL, is to be reported every five (5) years. This measurement shall be taken during the annual sampling event (Storet 72020) in accordance with Condition II.G.3.
7. Information required by Conditions II.J.2, II.J.3, II.J.5 and II.J.6 must be submitted in an electronic format. The information is to be submitted, as fixed-width text files formatted as found in Attachment E, in accordance with the schedule found in Condition II.J.2 above. Additional guidance regarding the submittal of the information in an electronic format can be found at <http://www.epa.state.il.us/land/regulatory-programs/electronic-intro.html>.

1418210001

Log No. B-142R-M-15

Page II-12 of II-14

8. The Permittee shall submit a completed "RCRA Facility Groundwater, Leachate and Gas Reporting Form" (LPC-592) as a cover sheet for any notices or reports required by the Permit for identification purposes. Only one copy of the LPC-592 must accompany your submittal. However, the Permittee must submit one (1) original and (excluding the groundwater and leachate monitoring results submitted in an electronic format) a minimum of two (2) copies of each notice or report you submit to the Illinois EPA. The form is not to be used for Permit modification requests.
9. The Permittee shall report all information to the Illinois EPA in a form which can be easily reviewed. All submittals contain tables of data drawings and text (as necessary) to accurately describe the information contained in the submittal.
10. If the Permittee determines, pursuant to Condition II.F.3 that there is a statistically significant increase for any of the parameters specified in Condition II.E.1 at any monitoring well at the point of compliance, the Permittee shall:
 - a. Notify the Illinois EPA in writing indicating what parameters and wells have shown statistically significant increases and provide all statistical calculations. This notification shall be submitted to the Illinois EPA within seven (7) days of the date that the increases are discovered.
 - b. Sample the groundwater in all wells listed in Condition II.D.1 and determine the concentration of all constituents identified in Appendix I of 35 Ill. Adm. Code 724 such that the results will accompany the permit modification required by Condition II.J.10.d below.
 - c. For any Appendix I compounds found in the analysis pursuant to this condition, the Permittee may resample within one month and repeat the analysis for those compounds detected. If results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the Permittee does not resample for the compounds pursuant to this condition, the hazardous constituents found during the initial Appendix I analysis will form the basis for compliance monitoring.
 - d. Submit to the Illinois EPA an application for a permit modification to establish a compliance monitoring program meeting the requirements of 35 Ill. Adm. Code 724.199. The application shall be submitted to the Illinois EPA within ninety (90) days of the date that the increase is discovered. Furthermore, the application must include the following information:

1418210001

Log No. B-142R-M-15

Page II-13 of II-14

- i. An identification of the concentration of any 35 Ill. Adm. Code 724, Appendix I constituents found in the groundwater at each monitoring well at the point of compliance;
 - ii. Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements 35 Ill. Adm. Code 724.199;
 - iii. Any proposed changes to the monitoring frequency, sampling and analysis procedures, or methods or statistical procedures used at the facility necessary to meet the requirements of 35 Ill. Adm. Code 724.199; and
 - iv. For each hazardous constituent found at the compliance point, a proposed concentration limit under 35 Ill. Adm. Code 724.194(a)(1) or 724.194(a)(2), or a notice of intent to seek an alternate concentration limit for a hazardous constituent under 35 Ill. Adm. Code 724.194(b).
- e. Submit to the Illinois EPA a corrective action feasibility plan to meet the requirements of 35 Ill. Adm. Code 724.200 unless the concentrations of all hazardous constituents identified under Condition II.J.10.b above are listed in 35 Ill. Adm. Code 620.410 and their concentrations do not exceed the respective Groundwater Quality Standards or the Permittee has sought an alternate concentration limits under Condition II.J.10.d.iv above for every hazardous constituent identified under Condition II.J.10.b above. This plan must be submitted to the Illinois EPA within 180 days of the date the increases is discovered.
 - f. Submit to the Illinois EPA all data necessary to justify any alternate concentration limit for a hazardous constituent sought under Condition II.J.10.d.iv above. This plan must be submitted to the Illinois EPA within 180 days of the date the increases is discovered.
11. If the Permittee determines, pursuant to Condition II.F.3, that there is a statistically significant increase above the background values for the parameters specified in Condition II.E.1, the Permittee may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. The Permittee shall submit a permit modification application in accordance with Condition II.J.10.d unless the demonstration successfully shows that a source other than the regulated unit caused the increase or that the increase resulted from errors in sampling, analysis or evaluation and the Illinois EPA concurs.

To make this demonstration, the Permittee shall:

1418210001

Log No. B-142R-M-15

Page II-14 of II-14

- a. Notify the Illinois EPA in writing that they intend to make this demonstration. This notification must be submitted to the Illinois EPA within seven (7) days of the date that the increase is discovered.
- b. Submit a report to the Illinois EPA which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. This report must be submitted within ninety (90) days of the date that the increase is discovered.
- c. Submit to the Illinois EPA an application to make any appropriate changes to the Groundwater Detection Monitoring Program. This application must be submitted within ninety (90) days of the date that the increase is discovered.
- d. Continue to monitor in accordance with the detection monitoring program at the facility.

K. REQUEST FOR PERMIT MODIFICATION

1. If the Permittee determines that the Groundwater Detection Monitoring Program no longer satisfies the requirements of 35 Ill. Adm. Code 724.198, the Permittee must, within ninety (90) days, submit an application for a permit modification to the Illinois EPA to make any appropriate changes to the program which will satisfy the regulations.
2. Conditions in this section of the Permit may be modified in accordance with 35 Ill. Adm. Code 705.128 if there is cause for such modification, as defined in 35 Ill. Adm. Code 702.184. Causes for modification identified in this section include, but are not limited to, alterations to the permitted facility, additional information which would have justified the application of different permit conditions at the time of issuance, and new regulations.

SECTION III: STANDARD CONDITIONS

GENERAL REQUIREMENTS

1. EFFECT OF PERMIT. The existence of a RCRA permit shall not constitute a defense to a violation of the Environmental Protection Act or Subtitle G, except for development, modification or operation without a permit. Issuance of this permit does not convey property rights or any exclusive privilege. Issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or infringement of state or local law or regulations. (35 IAC 702.181)
2. PERMIT ACTIONS. This permit may be modified, reissued or revoked for cause as specified in 35 IAC 703.270 through 703.273 and Section 702.186. The filing of a request by the Permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. (35 IAC 702.146)
3. SEVERABILITY. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. (35 IAC 700.107)
4. PERMIT CONDITION CONFLICT. In case of conflict between a special permit condition and a standard condition, the special condition will prevail. (35 IAC 702.160)
5. DUTY TO COMPLY. The Permittee shall comply with all conditions of this permit except for the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of the Environmental Protection Act and is grounds for enforcement action; permit revocation or modification; or for denial of a permit renewal application. (35 IAC 702.141 and 703.242)
6. DUTY TO REAPPLY. If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee must apply for a new permit at least 180 days before this permit expires, unless permission for a later date has been granted by the Illinois EPA. (35 IAC 702.142 and 703.125)
7. PERMIT EXPIRATION. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application (see 35 IAC 703.181-703.209) and through no fault of the Permittee the Illinois EPA has not issued a new permit as set forth in 35 IAC 702.125.
8. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or

1418210001

Log No. B-142R-M-15

Page III-2 of III-11

reduce the permitted activity in order to maintain compliance with the conditions of this permit. (35 IAC 702.143)

9. DUTY TO MITIGATE. In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. (35 IAC 702.144)
10. PROPER OPERATION AND MAINTENANCE. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory, and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. (35 IAC 702.145)
11. DUTY TO PROVIDE INFORMATION. The Permittee shall furnish to the Illinois EPA, within a reasonable time, any relevant information which the Illinois EPA may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Illinois EPA, upon request, copies of records required to be kept by this permit. (35 IAC 702.148)
12. INSPECTION AND ENTRY. The Permittee shall allow an authorized representative of the Illinois EPA, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate Act, any substances or parameters at any location. (35 IAC 702.149)

13. MONITORING AND RECORDS. (35 IAC 702.150)

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste must be the appropriate method from Appendix A of 35 IAC 721. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, latest versions; Methods for Chemical Analysis of Water and Wastes, EPA-600/4-79-020, latest versions; or an equivalent method as specified in the approved Waste Analysis Plan.
- b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report or application. These periods may be extended by request of the Illinois EPA at any time. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- c. Records of monitoring information shall include:
 - i. The date(s), exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical technique(s) or method(s) used; and
 - vi. The result(s) of such analyses. (35 IAC 702.150)

14. REPORTING PLANNED CHANGES. The permittee shall give notice to the Illinois EPA as soon as possible of any planned physical alterations or additions to the permitted facility. For a new HWM facility, the permittee may not commence treatment, storage or disposal of hazardous waste; and for a facility being modified the permittee may not treat, store or dispose of hazardous waste in the modified portion of the facility, until:

1418210001

Log No. B-142R-M-15

Page III-4 of III-11

- a. The permittee has submitted to the Illinois EPA by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
 - b.
 1. The Illinois EPA has inspected the modified or newly constructed facility and finds it is in compliance with the condition of the permit; or
 2. If, within 15 days of the date of submission of the letter in paragraph (a), the permittee has not received notice from the Illinois EPA of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage or disposal of hazardous waste. (35 IAC 703.244 and 702.152(a))
15. ANTICIPATED NONCOMPLIANCE. The Permittee shall give advance notice to the Illinois EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee shall not treat, store or dispose of hazardous waste; and for a facility being modified, the permittee shall not treat, store or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until:
- i. The permittee has submitted to the Illinois EPA by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
 - ii. Either:
 - a. The Illinois EPA has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
 - b. Within 15 days after the date submission of the letter in section i above, the permittee has not received notice from the Illinois EPA of its intent to inspect, the permittee may commence treatment, storage or disposal of hazardous waste.
- (35 IAC 702.152(b) and 703.247)
16. TRANSFER OF PERMITS. This permit is not transferable to any person except after notice to the Illinois EPA. The Illinois EPA may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 703.260 and 703.270, in some cases modification is mandatory.) (35 IAC 702.152(c))

1418210001

Log No. B-142R-M-15

Page III-5 of III-11

17. MONITORING REPORTS. Monitoring results shall be reported at the intervals specified in the permit. (35 IAC 702.152(d))
18. COMPLIANCE SCHEDULES. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than specified in 35 IAC 702.162. (35 IAC 702.152(e))
19. TWENTY-FOUR HOUR REPORTING.
 - a. The Permittee shall report to the Illinois EPA any noncompliance with the permit which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the following circumstances. This report shall include the following:
 - i. Information concerning the release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - ii. Information concerning the release or discharge of any hazardous waste or of a fire or explosion at the HWM facility, which could threaten the environment or human health outside the facility.
 - b. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident;
 - iv. Name and quantity of material(s) involved;
 - v. The extent of injuries, if any;
 - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where applicable; and
 - vii. Estimated quantity and disposition of recovered material that resulted from the incident.
 - c. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a

1418210001

Log No. B-142R-M-15

Page III-6 of III-11

description of the noncompliance and its cause; the period of noncompliance including exact dates and times and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Illinois EPA may waive the five day written notice requirement in favor of a written report within fifteen days. (35 IAC 702.152(f) and 703.245(b))

20. OTHER NONCOMPLIANCE. The Permittee shall report all instances of noncompliance not otherwise required to be reported under Standard Conditions 17, 18, and 19, at the time monitoring reports, as required by this permit, are submitted. The reports shall contain the information listed in Standard Condition 19. (35 IAC 702.152(g))
21. OTHER INFORMATION. Where the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Illinois EPA, the Permittee shall promptly submit such facts or information. (35 IAC 702.152(h))
22. REPORTING REQUIREMENTS. The following reports required by 35 Ill. Adm. Code 724 shall be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):
 - a. Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within 15 days after receiving the waste, the permittee must immediately submit to the Illinois EPA a letter describing the discrepancy and attempts to reconcile it and a copy of the manifest or shipping paper at issue. (35 IAC 724.172(b))
 - b. Unmanifested waste report: The permittee must submit to the Illinois EPA within 15 days of receipt of unmanifested waste an unmanifested waste report on EPA form 8700-13B. (35 IAC 724.176)
 - c. Annual report: an annual report must be submitted covering facility activities during the previous calendar year. (35 IAC 724.175)
23. SUBMITTAL OF REPORTS OR OTHER INFORMATION. All written reports or other written information required to be submitted by the terms of this permit shall be sent to:

Illinois Environmental Protection Agency
Bureau of Land #33
Solid Waste Management Section
1021 North Grand Avenue East

1418210001
Log No. B-142R-M-15
Page III-7 of III-11

P. O. Box 19276
Springfield, Illinois 62794-9276

24. SIGNATORY REQUIREMENT. All permit applications, reports or information submitted to the Illinois EPA shall be signed and certified as required by 35 IAC 702.126. (35 IAC 702.151)
25. CONFIDENTIAL INFORMATION. Any claim of confidentiality must be asserted in accordance with 35 IAC 702.103 and 35 IAC 161.
26. WASTE MINIMIZATION. The Permittee shall certify at least annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the Permittee to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, in accordance with 35 IAC 724.173(b)(9).

GENERAL FACILITY STANDARDS

27. NOTICE OF WASTE FROM A FOREIGN SOURCE. The permittee who has arranged to receive hazardous waste from a foreign source must notify the Illinois EPA in writing at least four weeks in advance of the date the waste is expected at the facility. (35 IAC 724.112(a))
28. NOTICE OF WASTE FROM OFF-SITE. The Permittee who receives hazardous waste from an off-site source (except where the Permittee is also the generator), must inform the generator in writing that the permittee has the appropriate permits for, and will accept, the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the facility operating record. (35 IAC 724.112(b))
29. GENERAL WASTE ANALYSIS. The Permittee shall comply with the procedures described in the approved waste analysis plan. (35 IAC 724.113)
30. SECURITY. The Permittee shall comply with the security provisions of 35 IAC 724.114(b) and (c).
31. GENERAL INSPECTION REQUIREMENTS. The Permittee shall follow the approved inspection schedule. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 35 IAC 724.115(c). Records of inspections shall be kept as required by 35 IAC 724.115(d).

1418210001

Log No. B-142R-M-15

Page III-8 of III-11

32. PERSONNEL TRAINING. The Permittee shall conduct personnel training as required by 35 IAC 724.116 and shall maintain training documents and records as required by 35 IAC 724.116(d) and (e).
33. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE. The Permittee shall comply with the requirements of 35 IAC 724.117.

PREPAREDNESS AND PREVENTION

34. DESIGN AND OPERATION OF FACILITY. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. (35 IAC 724.131)
35. REQUIRED EQUIPMENT. The Permittee shall equip the facility with the equipment set forth in the approved contingency plan, as required by 35 IAC 724.132.
36. TESTING AND MAINTENANCE OF EQUIPMENT. The Permittee shall test and maintain the equipment specified in condition 36 as necessary to assure its proper operation in time of emergency. Such testing and maintenance activities are set forth in the approved inspection schedule. (35 IAC 724.133)
37. ACCESS TO COMMUNICATIONS OR ALARM SYSTEM. The Permittee shall maintain access to the communications or alarm system as required by 35 IAC 724.134.
38. REQUIRED AISLE SPACE. The Permittee shall maintain aisle space as required by 35 IAC 724.135 and National Fire Protection Association (NFPA) requirements.
39. ARRANGEMENTS WITH STATE AND LOCAL AUTHORITIES AND EMERGENCY RESPONSE CONTRACTORS. The Permittee shall attempt to make emergency response arrangements with State and local authorities and agreements with State emergency response teams and emergency response contractors and equipment suppliers as required by 35 IAC 724.137. If State or local officials refuse to enter in preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

CONTINGENCY PLAN

40. IMPLEMENTATION OF PLAN. The provisions of the contingency plan must be carried out by the Permittee immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment (35 IAC 724.151(b)). At a minimum, this includes any fire or explosion

1418210001

Log No. B-142R-M-15

Page III-9 of III-11

which occurs in an area where hazardous waste is being managed (treated, stored or disposed) (35 IAC 703.241). Within 15 days of any incident that requires implementation of the contingency plan, the owner or operator must submit a written report to the Illinois EPA as required by 35 IAC 724.156(j).

41. COPIES OF PLAN. A copy of the contingency plan, including any revisions, must be maintained at the facility and submitted to all local police and fire departments, hospitals and state and local emergency response teams as required by 35 IAC 724.153.
42. AMENDMENTS TO PLAN. The Permittee shall review and immediately amend, if necessary, the contingency plan, as required by 35 IAC 724.154.
43. EMERGENCY COORDINATOR. A trained emergency coordinator shall be available at all times in case of an emergency as required by 35 IAC 724.155 and 724.156.

MANIFEST SYSTEM RECORD KEEPING AND REPORTING

44. MANIFEST SYSTEM. The Permittee shall comply with the manifest requirements of 35 IAC 724.171, 724.172 and 724.176.
45. OPERATING RECORD. The Permittee shall maintain a written operating record at the facility in accordance with 35 IAC 724.173.
46. ANNUAL REPORT. The Permittee shall prepare and submit an annual report to the Illinois EPA prior to March 1st of each year in accordance with the requirements of 35 IAC 724.175.

POST-CLOSURE

47. CARE AND USE OF PROPERTY. The Permittee shall provide post-closure care for the facility as required by 35 IAC 724.217 and in accordance with the approved post-closure plan.
48. AMENDMENT TO POST-CLOSURE PLAN. The Permittee must amend the post-closure plan whenever a change in the facility operation plans or facility design affects the post-closure plan or when an unexpected event has occurred which has affected the post-closure plan pursuant to 35 IAC 724.218(d).
49. COST ESTIMATE FOR FACILITY POST-CLOSURE. The Permittee's original post-closure cost estimate, prepared in accordance with 35 IAC 724.244, must be:

1418210001

Log No. B-142R-M-15

Page III-10 of III-11

- a. Adjusted for inflation either 60 days prior to each anniversary of the date on which the first closure cost estimate was prepared or if using the financial test or corporate guarantee, within 30 days after close of the firm's fiscal year.
 - b. Revised whenever there is a change in the facility's post-closure plan increasing the cost of closure.
 - c. Kept on record at the facility and updated. (35 IAC 724.244)
50. FINANCIAL ASSURANCE FOR POST-CLOSURE CARE. The Permittee shall demonstrate compliance with 35 IAC 724.245 by providing documentation of financial assurance, as required by 35 IAC 724.251, in at least the amount of the cost estimates required by the previous Permit Condition. Changes in financial assurance mechanisms must be approved by the Illinois EPA pursuant to 35 IAC 724.245.
51. LIABILITY REQUIREMENTS. The Permittee shall demonstrate continuous compliance with the requirements of 35 IAC 724.247 and the documentation requirements of 35 IAC 724.251.
52. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS. The Permittee shall comply with 35 IAC 724.248 whenever necessary.

LAND DISPOSAL RESTRICTIONS

53. DISPOSAL PROHIBITION. Any waste identified in 35 IAC Part 728, Subpart C, or any mixture of such a waste with nonrestricted wastes, is prohibited from land disposal unless it meets the standards of 35 IAC Part 728, Subpart D, or unless it meets the requirements for exemptions under Subpart C. "Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, or vault intended for disposal.
54. DILUTION PROHIBITION. The Permittee shall not in any way dilute a restricted waste or residual from treatment of a restricted waste as a substitute for adequate treatment in order to achieve compliance with 35 IAC 728, Subpart D (35 IAC 728.103).
55. WASTE ANALYSIS.
1. The Permittee must test his waste or extract developed, using the test method identified in Appendix I of 40 CFR Part 268, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

1418210001

Log No. B-142R-M-15

Page III-11 of III-11

2. For any waste with treatment standards expressed as concentrations in the waste extract, the Permittee must test the treatment residues or an extract of such residues developed using the test method described in Appendix I of 40 CFR Part 268, to assure that the treatment residues or extract meet the applicable treatment standard.
3. If the treatment residues do not meet the treatment standards, or if the Permittee ships any restricted wastes to a different facility, the Permittee shall comply with the requirements applicable to generators in 35 IAC 728.107 and 728.150(a)(1).

56. STORAGE RESTRICTIONS

1. The Permittee shall not store hazardous wastes restricted from land disposal under 35 IAC Part 728, Subpart C unless such wastes are stored only in containers or tanks or other units approved by the Illinois EPA in writing, and are stored solely for the purpose of the accumulation of such quantities as is necessary to facilitate proper recovery, treatment, or disposal, and: (1) each container is clearly marked to identify its contents and the date each period of accumulation begins; (2) each tank is clearly marked to identify its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, as required by 35 IAC 728.150.
2. The Permittee must comply with the operating record requirements of 35 IAC 724.173.

57. NEW DETERMINATIONS OF PROHIBITED WASTES

Wastes which are prohibited from land disposal under 35 IAC Part 728, Subpart C, or for which treatment standards have been established under 35 IAC 728, Subpart D, subsequent to the date of issuance of this permit, shall be subject to the conditions number 47 through 60 above.

SECTION IV
CORRECTIVE ACTION

A. INTRODUCTION

1. In accordance with Section 3004 of RCRA and 35 IAC 724.201, the Permittee shall institute such corrective action as necessary to protect human health and the environment from all releases of hazardous wastes or hazardous constituents from any solid waste management unit (SWMU) at its facility in Davis Junction, Illinois. This section contains the conditions which must be followed to ensure these requirements are met.
2. The original RCRA permit was issued by Illinois EPA for this facility on July 21, 1995; Section IV of this permit contained corrective action requirements. As required by this permit, the facility conducted a Phase I RCRA Facility Investigation for two SWMUs. On September 17, 1996, Illinois EPA determined that no further action was necessary, based on the results of this investigation.
3. The Permittee must provide corrective action, as appropriate, for: (1) any newly discovered SWMUs; or (2) future releases for existing SWMUs.
4. The requirements of 35 Ill. Adm. Code 742 must be met, when applicable, for establishing remediation objectives for corrective action efforts.
5. A former non-hazardous waste landfill is located adjacent to the former hazardous waste landfill addressed in this permit. The former non-hazardous waste landfill (typically referred to as Phases II and III) has been closed in accordance with a plan approved by Illinois EPA; its thirty-year post-closure care period began on March 30, 2000. Development, operation, closure and post-closure care of the non-hazardous waste landfill has been carried out in accordance with permits issued by Illinois EPA. Post-closure care of the non-hazardous waste landfill will be carried out in accordance with Permit No. 1994-160-LF and associated modifications.

B. OVERVIEW OF CORRECTIVE ACTION EFFORTS COMPLETED TO DATE

The Permittee has completed all corrective action requirements set forth in the original RCRA permit issued on July 21, 1995 a summary of these efforts is presented in Attachment A of this permit.

C. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION

1. The Permittee shall prepare a cost estimate for the completion of any corrective action required under this permit, in order to provide financial assurance for completion of corrective action, as required under 35 IAC 724.201(b). Such a cost estimate will be based upon the cost of contamination investigations and assessments for the SWMU(s), and design, construction, operation, inspection, monitoring, and maintenance of the corrective measure(s) to meet the requirements of 35 IAC 724.201 and this permit. This cost estimate must be included in each workplan or report submitted to Illinois EPA, including those required by Subsections D or E below.
2. The Permittee shall demonstrate continuous compliance with 35 IAC 724.201 by providing documentation of financial assurance using a mechanism specified in 35 IAC 724.243, in at least the amount of the cost estimate required under Condition IV.D.1. The words "completion of corrective action" shall be substituted for "closure and/or post-closure", as appropriate in the financial instrument specified in 35 IAC 724.251. This documentation shall be submitted to the Illinois EPA's DLPC within 60 days after the Illinois EPA's approval of the initial or revised cost estimates required under Condition IV.D.1. The Illinois EPA's DLPC may accept financial assurance for completion of corrective action in combination with another financial mechanism that acceptable under 35 IAC 724.246 at its discretion.
3. The Permittee has completed all corrective action efforts completed to date. Thus, the Permittee is not required, at this time, to provide financial assurance for corrective action efforts. However, it will be necessary to submit cost estimates and establish financial assurance for any corrective action efforts carried out in accordance with Subsections D or E below.

D. REQUIREMENTS FOR ADDRESSING NEWLY- IDENTIFIED SWMU(s)

1. The Permittee shall notify the Illinois EPA's DLPC in writing of any newly-identified SWMU(s) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than thirty (30) calendar days after discovery. The notification shall provide the following information, as available:

- a. The location of the newly-identified SWMU in relation to other SWMUs on a scaled map or drawing;
 - b. The type and past and present function of the unit;
 - c. The general dimensions, capacities, and structural description of the unit (available drawings and specifications provided);
 - d. The period during which the unit was operated;
 - e. The specifics on all materials, including but not limited to, wastes and hazardous constituents, that have been or are being managed at the SWMU, to the extent available; and
 - f. The results of any relevant available sampling and analysis which may aid in determining whether releases of hazardous wastes or hazardous constituents have occurred or are occurring from the unit.
2. If the submitted information demonstrates a potential for a release of hazardous waste or hazardous waste constituents from the newly identified SWMU, the Illinois EPA's DLPC may request in writing, that the Permittee prepare a Solid Waste Management Unit (SWMU) Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit. This SWMU Assessment plan must also propose investigations, including field investigations if necessary, to determine the release potential to specific environmental media for the newly-identified SWMU. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste and hazardous constituents from the newly-discovered SWMU(s) to the environment.
 3. Within 60 calendar days after receipt of the Illinois EPA's DLPC request for a SWMU Assessment Plan, the Permittee shall submit a SWMU Assessment Plan.
 4. After the Permittee submits the SWMU Assessment Plan, the Illinois EPA's DLPC shall either approve, approve with conditions or disapprove the Plan in writing. If the plan is approved, the Permittee shall begin to implement the Plan within forty-five (45) calendar days of receiving such written notification. If the Plan is disapproved, the Illinois EPA's DLPC shall notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised plan.

1418210001

Log No. B-142R-M-15

Page IV-4 of IV-6

5. The Permittee shall submit a report documenting the results of the approved SWMU Assessment Plan to the Illinois EPA's DLPC in accordance with the schedule in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan.
6. Supplemental SWMU Assessment Plans and Reports may be needed, as necessary, to fully characterize any contamination present at the SWMU.
7. The Permittee must implement a Corrective Measures Program, as necessary, to properly address any contamination encountered during the SWMU assessment. Guidance regarding the implementation of this program will be provided at the time Illinois EPA notifies the Permittee of the need for such a program.
8. All plans and report submitted in accordance with this subsection must contain a detailed estimate of the cost to complete the proposed corrective action activity.
9. Illinois EPA decisions on all plans and reports submitted under this subsection shall be subject to the appeal provisions of Sections 39(a) and 40(a) of the Illinois Environmental Protection Act.

E. FUTURE RELEASES FROM SWMUs

There exists a potential that a release may occur in the future from SWMUs identified in the RFA which did not require any corrective action at the time that the RFA or RFI was completed. If the Permittee discovers that a release has occurred from such a SWMU in the future, then the Illinois EPA must be notified of this release within thirty (30) days after its discovery following the procedures set forth in Condition IV.D.1 above. Additional investigation and, as necessary, corrective measures efforts at this SWMU must be carried out in accordance with the procedure set forth in Subsection E above. The results of all corrective action efforts required by this condition must meet the requirements of 35 Ill. Adm. Code 724.201 and 742.

F. INTERIM MEASURES/STABILIZATION

At any time during the corrective action process, the Permittee may initiate interim measures for the purpose of preventing continuing releases and/or mitigating the results of releases and/or mitigating the migration of hazardous wastes or hazardous constituents. It shall not be necessary to conduct all phases of the corrective action process prior to

1418210001

Log No. B-142R-M-15

Page IV-5 of IV-6

implementing an interim measure if the Illinois EPA's DLPC and the Permittee agree that a problem can be corrected, or a release cleaned up, without additional study.

- a. Prior to implementing any interim measures beyond those specified above, the Permittee must submit detailed information regarding the proposed interim measure to the Illinois EPA's DLPC for approval. This information shall include, at a minimum:
 - (1) Objectives of the interim measures: how the measure is mitigating a potential threat to human health and the environment and/or is consistent with and integrated into any long-term solution at the facility;
 - (2) Design, construction, and maintenance requirements;
 - (3) Schedules for design and construction; and
 - (4) Schedules for progress reports.
- b. If the Illinois EPA's DLPC determines that a release cannot be addressed without additional study, then the Illinois EPA's DLPC will notify the Permittee that the additional study must be performed. Any proposal made under this provision or any other activity resulting from such proposal, including the invocation of dispute resolution, shall not affect the schedule for implementation of the corrective action effort or of any other portion of the permit.
- c. If the Illinois EPA determines that interim measures are necessary to protect human health or the environment, the Permittee will be notified by way of a permit modification.

SECTION V
 REPORTING AND NOTIFICATION REQUIREMENTS

The reporting and notification requirements of each section of the RCRA permit are summarized below. This summary is provided to highlight the various reporting and notification requirements of this permit.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
SECTION I: POST-CLOSURE		
E.1	Request permit modification to remove the liner or hazardous wastes.	Prior to removing the liner or wastes.
E.2	Certify to the Illinois EPA that post-closure care was performed in accordance with the specifications.	Within 60 days after completion of the post-closure care period.
SECTION II: GROUNDWATER DETECTION MONITORING PROGRAM		
J.2	Groundwater monitoring data and statistical calculations required annually.	During Preceding <u>Months of</u> April-June
J.3	Groundwater Surface Elevation.	Samples Collected Results Due to the EPA by July 15 (List G1) Annually
J.4	Groundwater flow rate and direction.	Annually with the groundwater data due July 15
J.5	Surveyed Elevation.	Every 5 years <u>or</u> at the request of Illinois EPA <u>or</u> whenever the elevation changes. In addition, for new wells, at the time of installation.
J.6	Elevation of the bottom of each well.	Every 5 years due July 15.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
J.10.a	Notify the Illinois EPA in writing of statistically significant increase.	Within 7 days the increase was discovered.
J.10.b	Sample groundwater in all wells for Appendix I constituents.	Immediately after increase is discovered.
J.10.d	Apply for permit modification establishing compliance monitoring program.	Within 90 days the increase was discovered.
J.10.e	Provide the Illinois EPA with corrective action feasibility plan.	Within 180 days the increase was discovered.
J.11.a	Notify the Illinois EPA in writing of intent to make demonstration.	Within 7 days the increase was discovered.
J.11.b	Submit a report to the Illinois EPA which demonstrates that a source other than a regulated unit caused the increase, or resulted from error.	Within 90 days the increase was discovered.
J.11.c	Submit to the Illinois EPA application to change detection monitoring program.	Within 90 days the increase was discovered.

SECTION III: STANDARD CONDITIONS

6	Complete application for new permit.	At least 180 days prior to permit expiration.
11	Information requested by Illinois EPA and copies of records required to be kept by this permit.	Submittal date to be determined by the Illinois EPA.
14	Notify Illinois EPA of planned physical alterations or additions.	At least 15 days prior to planned change.
15	Notify Illinois EPA of changes which may result in permit noncompliance.	Within 15 days of change.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
16	Application for permit modification indicating permit is to be transferred.	At least 90 days prior to transfer date.
18	Submission of any information required in a compliance schedule.	Within 14 days after each schedule date.
19	Report to Illinois EPA any non-compliance which may endanger health or environment.	
	telephone	Within 24 hours after discovery.
	in writing	Within 5 days after discovery.
20	Report all other instances of noncompliance.	March 1 of each year along with Annual Report.
27	Notify Illinois EPA in writing of expected receipt of hazardous waste from foreign source.	At least 4 weeks prior to receipt of waste.
40	Implementation of Contingency Plan.	
	Notify appropriate state and local agencies with designated response roles.	As needed.
	Notify appropriate local officials.	Immediately, if emergency coordinator's assessment indicates evacuation of local area is advisable.
	Notify the Illinois EPA (217/782-3637) or Illinois ESDA (217/782-7860) if emergency coordinator determines there has been a release, fire or explosion which could threaten human health or the environment, outside the facility.	Immediately after determination made.

<u>Condition</u>	<u>Submittal</u>	<u>Due Date</u>
	Notify Illinois EPA and appropriate state and local authorities, in writing that facility is in compliance with 35 IAC 724.156(h).	Prior to resuming operation in affected areas.
	Report to Illinois EPA details regarding incident which required implementation of contingency plan.	Within 15 days after event.
46	Submit annual report required by 35 IAC 724.175.	March 1 of each year.
48	Application for permit modification amending post-closure plan.	60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred.
49(a)	Adjust post-closure cost estimate for inflation.	Within 30 days after anniversary date.
49(b)	Revision of post-closure cost estimate.	As needed.
50	Change in financial assurance mechanism for post-closure.	As needed.
51	Change in coverage for sudden and non-sudden accidental occurrences.	As needed.
52	Notify Illinois EPA of commencement of voluntary or involuntary bankruptcy proceedings.	Within 10 days after commencement of proceeding.

ATTACHMENT A

Summary of Corrective Action
Efforts Completed to Date

LPC #1418210001
ILD980799761
Log No. B-142R-M-15

Attachment A
Summary of Corrective Action Efforts Completed to Date

The following is a summary of RCRA corrective action efforts completed to date at the BFI landfill near Davis Junction, Illinois.

1. A RCRA permit was issued for the landfill on July 21, 1995 (Log NO. B-142). Among other things, this permit contained requirements for conducting corrective action at the solid waste management units (SWMUs) of concern at the facility. These requirements were set forth in Section IV of the permit.
2. Condition IV.B.1 of the permit issued July 28, 1995 required that a RCRA Facility Investigation be conducted at the following two SWMUs:
 - a. Spill Control Area
 - b. Runoff Water Disposal Area
3. A workplan to conduct a Phase I RCRA Facility Investigation at the two SWMUs identified above was approved by Illinois on May 17, 1996 (Log No. B-142-CA-1).
4. A report documenting the results of the approved Phase I RCRA Facility Investigation was approved by Illinois EPA on September 17, 1996 (Log No. B-142-CA-6). Based upon a review of the information in the report, Illinois EPA determined that no further action was necessary at the two SWMUs of concern at the facility.

Attachment B

Groundwater Monitoring Attachments and Figures

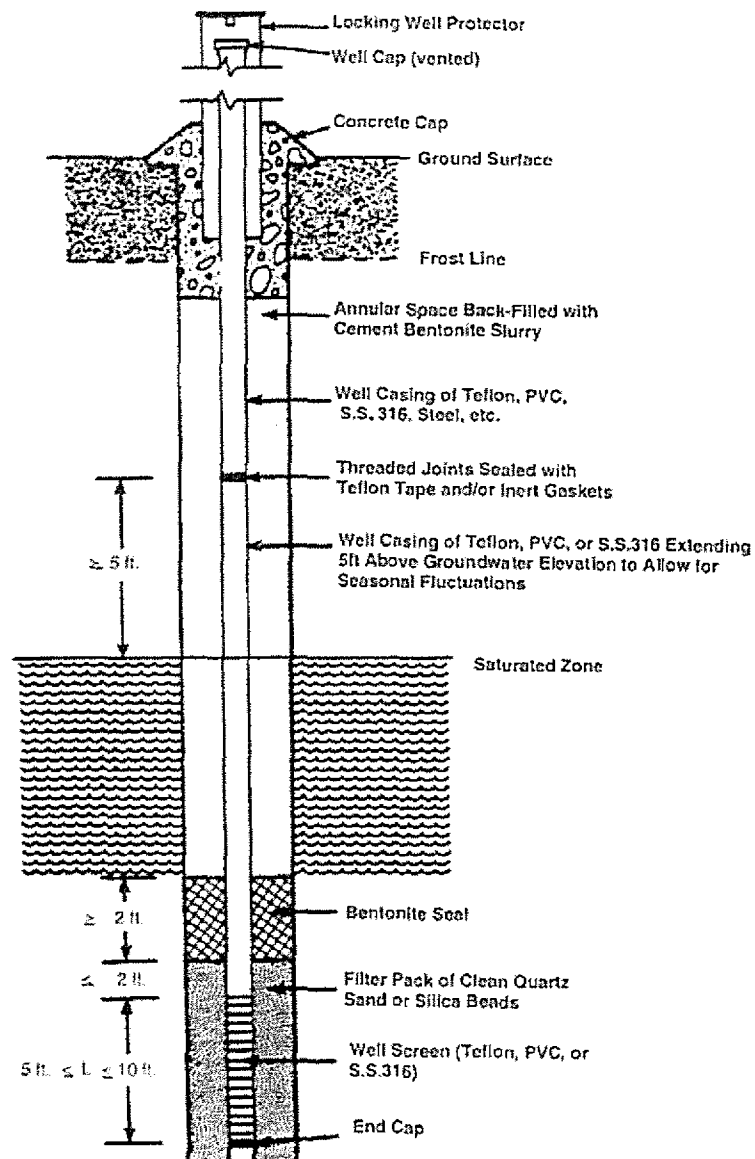
LPC #1418210001

ILD980799751

Permit Log No. B-142R-M-15

1418210001
Log No. B-142R-M-15
Page B-1 of B-7

Monitoring Well Diagram



1418210001
 Log No. B-142R-M-15
 Page B-2 of B-7



Illinois Environmental Protection Agency

Well Completion Report

Site Number: _____ County: _____

Site Name: _____ Well #: _____

State _____

Plane Coordinate: X _____ Y _____ (or) Latitude: _____ Longitude: _____ Borehole #: _____

Surveyed by: _____ IL Registration #: _____

Drilling Contractor: _____ Driller: _____

Consulting Firm: _____ Geologist: _____

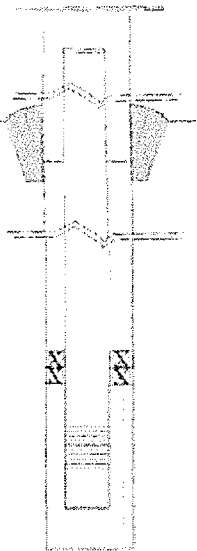
Drilling Method: _____ Drilling Fluid (Type): _____

Logged By: _____ Date Started: _____ Date Finished: _____

Report Form Completed By: _____ Date: _____

ANNULAR SPACE DETAILS	Elevations (MSL)*	Depths (BGS)	(.01ft.)
	_____	_____	Top of Protective Casing
	_____	_____	Top of Riser Pipe
Type of Surface Seal: _____	_____	_____	Ground Surface
Type of Annular Sealant: _____	_____	_____	Top of Annular Sealant
Installation Method: _____	_____	_____	Static Water Level (After Completion)
Setting Time: _____	_____	_____	
Type of Bentonite Seal -- Granular, Pellet, Slurry (Choose One)	_____	_____	Top of Seal
Installation Method: _____	_____	_____	Top of Sand Pack
Setting Time: _____	_____	_____	Top of Screen
Type of Sand Pack: _____	_____	_____	Bottom of Screen
Grain Size: _____ (Sieve Size)	_____	_____	Bottom of Well
Installation Method: _____	_____	_____	Bottom of Borehole
Type of Backfill Material: _____ (if applicable)			
Installation Method: _____			

* Referenced to a National Geodetic Datum



CASING MEASUREMENTS

Diameter of Borehole (inches)	_____
ID of Riser Pipe (inches)	_____
Protective Casing Length (feet)	_____
Riser Pipe Length (feet)	_____
Bottom of Screen to First Cap (feet)	_____
Screen Length (1" slot to last slot) (feet)	_____
Total Length of Casing (feet)	_____
Screen Slot Size **	_____

**Hand-Slotted Well Screens are Unacceptable

WELL CONSTRUCTION MATERIAL
 (Choose one type of material for each area)

Protective Casing	SS304, SS316, P111, PVC, or Other
Riser Pipe Above W.T.	SS304, SS316, P111, PVC, or Other
Riser Pipe Below W.T.	SS304, SS316, P111, PVC, or Other
Screen	SS304, SS316, P111, PVC, or Other

Well Completion Form (revised 02/06/02)



Illinois
Environmental
Protection Agency

Bureau of Land
1621 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276

RCRA FACILITY GROUNDWATER, LEACHATE AND GAS REPORTING FORM

This form must be used as a cover sheet for the notices and reports, identified below as required by: (1) a facility's RCRA interim status closure plan; (2) the RCRA interim status regulations; or (3) a facility's RCRA permit. All reports must be submitted to the Illinois EPA's Bureau of Land Permit Section. This form is for use by Hazardous Waste facilities only. Reporting for Solid Waste facilities should be submitted on a separate form. All reports submitted to the Illinois EPA's Bureau of Land Permit Section must contain an original, plus a minimum of two copies.

Note: This form is not to be used with permit or closure plan modification requests. The facility's approved permit or closure plan will state whether the document you are submitting is required as a report or a modification request.

Facility Name: _____ Site ID #: _____
Facility Address: _____ Fed ID #: _____

Check the appropriate heading. Only one heading may be checked for each corresponding submittal. Check the appropriate sub-heading, where applicable. Attach the original and all copies behind this form.

- LPC-160 Forms**
 - Groundwater
 - Quarterly – Indicate one: 1 2 3 4
 - Semi-Annual
 - Annual
 - Biennial
 - Leachate
 - Quarterly – Indicate one: 1 2 3 4
 - Semi-Annual
 - Annual
 - Biennial
- Groundwater Data (without LPC-160 Forms)**
 - Quarterly – Indicate one: 1 2 3 4
 - Annual Semi-Annual Biennial
- Well Construction Information**
 - Well Construction Forms, Boring Logs and/or Abandonment Forms
 - Well Survey Data (e.g., Stick-up Elevation Data)
- Notice of Statistically Significant Evidence of Groundwater Contamination (35 Ill. Adm. Code 724.198)**
- Notice of Exceedence of Groundwater Concentration Limit (35 Ill. Adm. Code 724.199(h))**
- Notice of Alternate Source or Error in Sampling Analysis or Evaluation of Groundwater (35 Ill. Adm. Code 724.199(i))**
- Gas Monitoring Reports**
- Other (identify) _____**

KEY:

<u>Spaces Numbered</u>	<u>Description</u>	<u>Format</u>
Spaces 1-7	Record Code	LPCSM01
Space 8	Trans Code	A
Spaces 9-18	Site ID	0000000000
Spaces 19-22	Mon Pt ID	G000
Spaces 23-28	Date Collected	000000
Space 29	Lab	
Spaces 30-35	Filler	
Spaces 36-41	Report Due Date	000000
Spaces 42-47	Date Received	000000
Spaces 48-53	Filler 2	
Space 54	Background Sample	
Spaces 55-58	Time Collected	0000
Space 59	Unable to Collect Sample	
Space 60	Monitoring Point Sampled By	
Space 61	Field Filtered – Inorganic	
Space 62	Field Filtered – Organic	
Spaces 63-102	Sample Appearance	
Spaces 103-142	Collector Comments	
Spaces 143-149	Filler 3	
Spaces 150-199	Lab Comments	

1418210001
 Log No. B-142R-M-15
 Page B-7 of B-7

**Formatting Requirements for the 02 Record of the Electronically Submitted
 Groundwater and Leachate Data (the 02 Record portion of the LPC-160 is included
 for example purposes)**

RECORD CODE							L	P	C	S	M	0	2	TRANS CODE			A	(COLUMNS 9-29 FROM ABOVE)
FIELD MEASUREMENTS CONSTITUENT DESCRIPTION AND REQUIRED UNIT OF MEASURE		STORET NUMBER	Remarks See Inv.	Replicate	<	>	VALUE											
Q	TEMP OF WATER (unfiltered °F)	0 0 0 1 1					-----											
Q	SPEC COND (unfiltered umhos)	0 0 0 9 4					-----											
Q	pH (unfiltered units)	0 0 4 0 0					-----											
Q	ELEV OF GW SURF (ft ref MSL)	7 1 9 9 3					-----											
Q	DEPTH OF WATER (ft below LS)	7 2 0 1 9					-----											
A	BTM WELL ELEV (ft ref MSL)	7 2 0 2 0					-----											
Q	DEPTH TO WATER FR MEA PT (ft)	7 2 1 0 9					-----											

IL 532-1213
 LPC 169-0190

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1004 and 1021. Disclosure of this information is required. Failure to do so may result in a civil penalty up to \$25,000 for each day the failure continues a fine up to \$1,000.00 and imprisonment up to one year. This form has been approved by the Illinois Management Center.

All analytical procedures must be performed in accordance with the methods contained in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," SW-846, 3rd Edition, September 1986 or equivalent methods approved by the Agency. Proper sample chain of custody control and quality assurance/quality control procedures must be maintained in accordance with the facility sampling and analysis plan.

*Only Keypunch with Data in Column 35 or Columns 38-47

KEY:

<u>Spaces Numbered</u>	<u>Description</u>	<u>Format</u>
Spaces 1-7	Record Code	LPCSM02
Space 8	Trans Code	A
Spaces 9-18	Site ID	0000000000
Spaces 19-22	Mon Pt ID	
Spaces 23-28	Date Collected	
Space 29	Lab	
Spaces 30-34	STORET Number	
Space 35	Remarks	
Space 36	Replicate	
Space 37	< or >	
Space 38-47	Value	

Attachment C

Construction Certification Form

LPC #1418210001

ILD980799751

Permit Log No. B-142R-M-15

CERTIFICATION

This statement is to be completed by both the responsible officer and the registered professional engineer upon completion of any construction required by this permit in accordance with 35 Ill. Adm. Code 702.126. Submit one copy of the certification with original signatures and two additional copies. Forward these certification statements and any information required by the permit to the following address:

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

FACILITY NAME: Browning Ferris Industries - Davis Junction Landfill
IEPA SITE CODE: 1418210001
USEPA ID NO.: ILD 980700751
PERMIT LOG NO. B-142R-M-15
PERMIT (OR MODIFICATION) ISSUANCE DATE:
PERMIT CONDITION NO. REQUIRING CERTIFICATION:

The has been constructed in accordance with the specifications in the post-closure permit application. Documentation that the construction was in accordance with the permit is contained in the enclosed report. 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 fine and imprisonment for knowing violations.

Signature of Owner/Operator

Name and Title

Signature of Registered P.E.

Name of Registered P.E. and
Illinois Registration Number

(P.E license expiration date)

(P.E. Seal)

DATE

SFN:JKM:KDH\1418210001-RCRA-B142RM15-Approval.docx

Attachment D

Post-Closure Cost Estimate

LPC #1418210001

ILD980799751

Permit Log No. B-142R-M-15

Post-Closure Cost Estimate

The approved Post-Closure Cost Estimate is \$818,109 (in 2014 dollars). This estimate must be used when establishing financial assurance in accordance with 35 Ill. Adm. Code 724, Subpart G. The breakdown of this estimate is as follows:

1. Estimate of post-closure care costs on an annual basis:

Post-closure inspections	\$7,025
Groundwater monitoring	\$9,171
<u>Leachate Management</u>	<u>\$57,009</u>
Total	\$ 73,205
<u>10% Contingency</u>	<u>\$7,320</u>
Total Annual Cost (w/Contingency):	\$80,526

One Time Costs:

Well Abandonment:	\$11,684
<u>10% Contingency, One-Time Costs:</u>	<u>\$1,168</u>
Total One-Time Costs:	\$12,852

2. Facility has 10 years of remaining post-closure care.
3. Total post-closure care cost estimate =
 $(\$80,526 \text{ per year}) \times (10 \text{ years}) + \$12,852 = \$818,112$

BFI Waste Systems of North America, LLC v. Illinois EPA
Pollution Control Board No. 24-29

CERTIFICATE OF SERVICE

Scott B. Sievers of the law firm of Brown, Hay + Stephens, LLP herein certifies that on January 30, 2024, from Springfield, Illinois, he electronically submitted for filing the foregoing **PETITION FOR REVIEW OF ILLINOIS EPA PERMIT MODIFICATION DECISION** with the Pollution Control Board by using the Clerk's Office On-Line (COOL) eFile system. Scott B. Sievers further certifies that, at approximately 10:30 a.m. on January 30, 2024, he served the other parties in this case with a copy of the foregoing document by transmitting the one hundred and thirty six (136) page document by e-mail to the parties' representatives, who are identified below, at their designated e-mail addresses of record:

Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
melanie.jarvis@illinois.gov

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.

Scott B. Sievers
Ill. Atty. Reg. No. 6275924
Brown, Hay & Stephens, LLP
P.O. Box 2459
205 S. Fifth Street
Springfield, Illinois 62705
(217) 544-8491 (telephone)
(217) 544-9609 (facsimile)
ssievers@bhslaw.com

BFI WASTE SYSTEMS
OF NORTH AMERICA, LLC,

Petitioner.

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