

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

Please take notice that on Monday, August 31, 2026, Respondent Illinois Environmental Protection Agency filed with the Clerk of the Illinois Pollution Control Board in the above referenced case via the "COOL" System, the attached Clarification, a true and correct copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

by KWAME RAOUL, Attorney General of
the State of Illinois

BY: /s/ Rebecca Kanz
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Certificate of Service

I, Rebecca Kanz, an Assistant Attorney General, hereby certify that on this August 31, 2026, I caused to be served the foregoing Notice of Filing and Clarification, upon the parties named in the attached service list by electronic mail.

BY: /s/ Rebecca Kanz
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CLARIFICATION

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by KWAME RAOUL, Attorney General of the State of Illinois, and provides the following clarification as requested in the Hearing Officer's August 24, 2026 Order:

1. On October 30, 2025, Petitioner filed its Petition for Review of Illinois EPA Decision ("Petition") with the Board.
2. On January 14, 2026, Respondent filed the record of determination as ordered by the Board on January 5, 2026.
3. On June 4, 2026, Petitioner filed its Motion to Supplement Record on Appeal ("Petitioner's Motion").
4. After receiving an extension from the Hearing Officer, on June 25, 2026, Respondent filed its Response to Petitioner's Motion to Supplement Record ("Response").
5. In the Response, Respondent pointed out that the attachments requested by Petitioner in Paragraph 5 of Petitioner's Motion are already in the record, and the parties and the Hearing Officer now agree this request is moot. August 24, 2026 Hearing Officer Order at 1. As to the other two requested documents in Petitioner's Motion, Respondent agreed to supplement

the record with those two documents, titled USEPA's Guideline for Evaluating Post-Closure Care Period dated December 15, 2016, and the Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") Position Paper, dated July 20, 2022. Response at 1.

6. In Petitioner's Motion, Petitioner also argued that the Index of Record is inaccurate because the Republic Services Letter to IEPA enclosing Addendum 2 to RCRA Post-Closure Permit Renewal, dated June 20, 2025, ends at R 000499, not R 000513. Petitioner's Motion at 3, ¶ 5. In response, Respondent agreed to submit an amended Index of Record reflecting such change. However, Respondent inadvertently represented that "**Petitioner** agrees to submit an amended Index of Record . . .," but intended to express that "**Respondent** agrees to submit an amended Index of Record." See Response at 2 (emphasis added).

7. On July 1, 2026, Respondent filed its own Motion to Supplement Record ("Respondent's Motion"), requesting the Hearing Officer allow Respondent to supplement the record with a single additional document, titled Memorandum of Agreement Between the State of Illinois and the United States Environmental Protection Agency, Region 5. Respondent's Motion at 1. Petitioner did not object, and the Hearing Officer granted Respondent's Motion on August 24, 2026.

8. As such, Respondent will be supplementing the record with the following documents and filing an amended Index of Record reflecting such:

- a. Memorandum of Agreement Between the State of Illinois and the United States Environmental Protection Agency, Region 5;
- b. USEPA's Guideline for Evaluating Post-Closure Care Period dated December 15, 2016; and
- c. the Association of State and Territorial Solid Waste Management Officials

(“ASTSWMO”) Position Paper, dated July 20, 2022.

9. Respondent will also amend the Index of Record to reflect that the Republic Services Letter to IEPA enclosing Addendum 2 to RCRA Post-Closure Permit Renewal, dated June 20, 2025, ends at R 000499, not R 000513.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

by KWAME RAOUL,
Attorney General of the
State of Illinois

BY: /s/ Rebecca Kanz
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