

Illinois Environmental Protection Agency (Illinois EPA)

Hearing Officer Statements

RCH Newco II, LLC

Public Hearing April 19, 2023

Good evening. The current time is _____ p.m. Central Time. On behalf of the Illinois Environmental Protection Agency (Illinois EPA) and its Director John Kim, welcome to tonight's hearing. My name is Jeff Guy, and I am the Illinois EPA hearing officer. We look forward to receiving your comments after tonight's opening remarks. If you have connection or audio issues, please attempt to reconnect.

This hearing is being held pursuant to regulatory procedures for permit and closure plan hearings, which can be found at Title 35 Illinois Administrative Code Part 166, Subpart A. These regulations are available on the Illinois Pollution Control Board website at pcb.illinois.gov. My responsibility as the hearing officer is to ensure that this hearing is conducted in a fair and orderly manner according to these regulations.

This hearing is being transcribed by a court reporter. The transcript of this hearing will be posted on the Illinois EPA Bureau of Land public notice webpage in the same place where the hearing notice and other pertinent documents have been posted for public review.

The Illinois EPA has tentatively determined that the post-closure care period for the RCH Newco facility in Lemont, Illinois needs to be extended. A representative from the Illinois EPA Bureau of Land will provide more information on this momentarily.

The Illinois EPA is conducting a public comment period, including this public hearing, to provide an opportunity for the public to comment on this matter prior to making a final determination. The Illinois EPA is accepting written public comments during the comment period. As indicated in

the public hearing notice, written comments must be received no later than 11:59 p.m. Central Time on May 19, 2023 and should be submitted via email to: EPA.PublicHearingCom@Illinois.gov, or mailed to the Illinois EPA: attention Jeff Guy (Hearing Officer), P.O. Box 19276, 1021 North Grand Avenue, Springfield, Illinois 62974-9276. Please reference “RCH Newco” in your email or letter.

Written comments are given the same consideration as oral comments made during this hearing and may be submitted to the Illinois EPA at any time during the comment period. Although we will continue to accept written comments through May 19, 2023, tonight is the only time that we will accept oral comments. The Illinois EPA will fully consider and respond to all significant oral and written comments.

At this time, a representative from the Illinois EPA Bureau of Land will provide information we believe is relevant to tonight’s hearing. This will be followed by additional instructions from me on how we will receive public comments.

If you have extensive comments this evening, please consider giving only a summary of those comments and then submitting the entirety of your comments to the Illinois EPA before the end of the comment period on May 19, 2023. While the record is open, all written comments will be placed into the hearing record as exhibits. If anyone does not wish to make comments or if we cannot accommodate everyone who wishes to make comments this evening, for whatever reason, please submit your comments to the Illinois EPA in writing. Again, written comments are given the same consideration as comments made orally during this hearing.

As the hearing officer, I intend to treat everyone in a respectful manner, and I ask that Illinois EPA staff and the public please do the same. Comments should be relevant to issues associated with the Illinois EPA’s tentative determination to extend the post-closure period.

If your comments fall outside of the scope of this hearing, I may ask you to proceed to another issue. All significant comments, whether written or oral, will be addressed as part of the Illinois EPA responsiveness summary. The responsiveness summary will also provide a statement of the Illinois EPA's final determination in this matter. All who provide their email address, mailing address, or submit written comments during the comment period will be notified of the Illinois EPA's final determination in this matter and of the availability of the responsiveness summary, which will be posted on the Illinois EPA Bureau of Land public notice webpage.

The Illinois EPA public notice for this hearing required registration by April 17, 2023 to provide oral public comments during tonight's hearing. The Illinois EPA did not receive any requests to provide comments during tonight's hearing. Regardless, the Illinois EPA will allow oral public comments for the record at this time. If you want to provide a comment, please use the 'Raise Hand' feature. When I call on you to speak, please ensure to unmute your line. Please state your name and affiliation for the record. For the benefit of creating an accurate hearing record, please spell your last name. Please keep your comments courteous and on-topic. Please keep your comments no longer than five minutes.

That concludes our public hearing. If you did not present oral comments tonight but still wish to comment, please submit your written comments to the Illinois EPA as directed in the public notice, which can be accessed at the Illinois EPA Bureau of Land public notice webpage. Written comments will be included in the hearing record and reviewed by the Illinois EPA as the responsiveness summary is prepared. The record closes at 11:59 p.m. Central Time on May 19, 2023. Please send your written comments to the attention of Jeff Guy, as indicated in the public notice.

Pertinent documents are available on the Illinois EPA Bureau of Land public notice webpage and at the Illinois EPA office located at 1021 North Grand Avenue East, Springfield, Illinois 62974. You can obtain copies of available documents through a Freedom of Information Request to the Illinois EPA. This can be done through our website, or you can contact myself directly if you need help with this request. Thank you for your participation this evening. The current time is _____ p.m. Central Time and this public hearing is adjourned.

RCH Newco – Public Hearing – Opening Statements by Permit Section

By Rob Watson
April 17, 2023

1978030005 – Will County
ILD990785453
Log No: C-68
RCRA Closure File

WRW Opening Statement for Public Hearing on 4/19/2023

Introduction

My name is Rob Watson. I have been the manager of the Resource Conservation and Recovery Act Unit, otherwise known as the “RCRA” Unit, since 2018. The RCRA Unit is within the Permit Section of the Bureau of Land within the Illinois EPA. In that capacity, I am responsible for management of the hazardous waste permitting and corrective action programs in the State of Illinois. I recently retired from the Illinois EPA but am currently working under contract as the RCRA Unit Manager.

I am a professional engineer and have worked for the Illinois EPA for almost 40 years. I spent all but one and a half years of that time in the Bureau of Land Permit Section, and most of that time was involved in the permitting of hazardous waste facilities.

The purpose of my statement at this public hearing is to provide a brief overview of the permitting history related to the RCH Newco facility in Lemont, IL, current site conditions, and the regulations governing the hazardous waste landfill at the site, all of which served as the basis for Illinois EPA’s tentative determination that post-closure care needs to be extended at that landfill.

Background

In the early 1990s, the RCH Newco facility (formerly known as CECOs) constructed a hazardous waste landfill in Lemont, IL in accordance with the closure plan. The landfill is approximately two acres in size. It contains electric arc furnace (EAF) dust, which is a hazardous waste due to lead and cadmium. The EAF dust is mixed in with non-hazardous slag. The bottom liner consists of three feet of recompacted clay, and the final cover consists of two feet of compacted clay, one and a half feet of fill, and half a foot of topsoil with vegetation.

On February 7, 1996, the Illinois EPA determined that post-closure care for the landfill began on January 1, 1993. Thus, the regulatory required 30 years of post-closure care would last until at least January 1, 2023. Post-closure care included requirements for monitoring, maintaining, and repairing the cover system as well as monitoring of the groundwater.

On August 29, 1996, the Illinois EPA issued a modification to the closure/post-closure plan (Log Number. C-68-M-5). Included in that modification was a condition stating that, pursuant to 35 Illinois Administrative Code 703.121(b), the facility must also eventually obtain a RCRA post-closure permit.

The groundwater monitoring results indicate that the hazardous waste constituents in the landfill have not leaked out of the landfill during the past 30 years. Currently, there is no leachate collection or monitoring system in the landfill.

Regulation of the RCH Newco hazardous waste landfill

The management of hazardous waste in Illinois is regulated under RCRA and the federal/state regulations developed under it. These regulations give Illinois EPA the authority to review and approve the design, construction, operation, monitoring, maintenance, closure, and post-closure care of units used to manage hazardous waste in the State of Illinois.

The regulations for landfills are designed to remove liquids and keep the waste within the landfill as dry as possible. A landfill's liner and cover systems are designed to prevent liquids (precipitation & groundwater) from getting into the waste. This is because minimizing the amount of liquid within a landfill minimizes the potential for the movement of hazard constituents from within the landfill out into the environment.

Note: The RCRA regulations are necessarily broad in nature, and USEPA has issued many guidance documents, technical memos, and letters to address more specific situations. These documents are available for use by both facilities and regulators for the operation and regulation of hazardous waste sites.

In this case, the landfill is currently regulated under the Interim Status regulations at Title 35 Illinois Administrative Code Part 725. Title 35 Illinois Administrative Code Section 725.218 includes provisions that allow Illinois EPA to extend the post-closure care period of a hazardous waste landfill if we determine that this is necessary to protect human health and the environment. The regulations require Illinois EPA to public notice our tentative decision to extend the post-closure period, review any comments received during the comment period, and if necessary, hold a public hearing such as this one here tonight, prior to making a final determination regarding the post-closure care of the facility.

Illinois EPA informed the facility of its tentative decision to extend post-closure care at the facility in a letter dated November 15, 2022. The letter identified the reasons why extending post-closure care is needed to protect human health and the environment. As a recap;

- Hazardous waste remains in the landfill,

- The landfill liner and cover design does not meet the minimum technology requirements for landfills currently required by the landfill regulations, relevant regulations are cited in the letter.
- The landfill does not have a leachate monitoring or collection system, so it cannot be determined if leachate is present in the landfill. The presence of liquids within a landfill increases the risk of an unforeseeable and unknown release of hazardous constituents into the environment if unmonitored, and
- Continued long term care of a landfill in the form of maintenance, monitoring and legally enforceable controls is required to ensure that neglect or future activities on the landfill do not result in the release of hazardous waste or hazardous constituents that could threaten human health and the environment.
- As noted in the letter, a viable cover is one of the most important mechanisms offering environmental protection. It was noted in the letter that the cover was not properly maintained, and well-established tap roots were growing on the landfill.

The November 15, 2022, letter also made the tentative determination for the facility to submit an application for a RCRA hazardous waste permit for the landfill once a final determination is made.

Should the Illinois EPA's final determination affirm its tentative decision, the extended post-closure care for the facility would be conducted in accordance with a RCRA hazardous waste post-closure permit, pursuant to Title 35 Ill. Adm. Code Section 703.121 as well as Condition 1.b of the modified RCRA closure plan Log No. C-68-M-5 issued on August 29, 1996, rather than the closure plan the facility has been regulated under for the past 30 years.

As noted by the Hearing Officer, the purpose of this public hearing is to provide a forum for the public to provide comments on the Illinois EPA's tentative decision to extend the post-closure care period of the RCH Newco facility's hazardous waste landfill. Upon conclusion of this public hearing and the follow-up post-hearing comment period, the Illinois EPA will review all comments received and take said comments into consideration when deliberating and finalizing our determination.

Thank you.