



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

NOV 15 2022

7011 1150 0001 0857 8322

Mr. William J. Sawitz
RCH Newco II, LLC
27501 Bella Vista Parkway
Warrenville, IL. 60555

Re: 1978030005 -- Will County
RCH Newco II, LLC – New Ave. & Ceco Rd.
ILD990785453
Log No. C-68
RCRA Closure
Permit Correspondence

Dear Mr. Sawitz

As you are aware, RCH Newco II, LLC (RCH Newco) located at New Avenue and Ceco Road has been required to provide post-closure care for the two-acre hazardous waste landfill under the facility’s Interim Status Post-Closure Plan since January 1, 1993. The approved Interim Status post-closure plan (Log No. C-68) required post-closure care be maintained for a minimum of thirty (30) years or until at least January 1, 2023.

The purpose of this letter is to inform the facility that the Illinois EPA has conducted a review of the post-closure status of the subject hazardous waste management unit and has determined that the post-closure care period for the two-acre landfill must be extended to address current and future environmental concerns identified in this letter in accordance with 35 Ill. Adm. Code 725.218.(g)(2) and the USEPA’s “Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA”, dated December 15, 2016 (2016 USEPA Guidance).

The following comments and conditions apply to this determination:

1. In accordance with 35 Ill. Adm. Code 725.245(h), this letter shall constitute notification to RCH Newco that Illinois EPA has determined that extending the post-closure care period for the two-acre hazardous waste landfill at the RCH Newco site is required.
2. In accordance with 35 Ill. Adm. Code 725.218(g)(2)(A), the Illinois EPA’s decision to extend the post-closure care period for the subject site will be publicly noticed through a newspaper and made available for public comment within thirty (30) days after the date of this letter by Illinois EPA. Illinois EPA will issue a final determination after the comment period ends and, if necessary, a public hearing is held.

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

3. In accordance with 35 Ill. Adm. Code 703.121(b), RCH Newco shall address the future post-closure care and long-term stewardship for the subject site under a RCRA Post-Closure Care Permit. Modification of the existing Interim Status Post-Closure Plan may be necessary to meet the requirements of 35 Ill. Adm. Code 724.211, 724.217, 724.218, and 724.131, and adequately protect human health and the environment.
4. The facility shall provide an application for a RCRA Post-Closure permit to the Illinois EPA Bureau of Land Permit Section within 180 days of Illinois EPA's final determination to extend the post-closure period as described in Condition 2 above. The Illinois EPA will provide the facility with the instructions for an application for a RCRA Post-Closure Permit when it issues its final determination.
5. The facility must continue to provide post-closure care for the unit in accordance with its existing approved post-closure plan, Illinois EPA letters with conditions and modifications to the approved post-closure plan, and the requirements of 35 Ill. Adm. Code Part 725 until a RCRA Post-Closure Permit is issued to the facility.
6. The facility must also continue to provide the Illinois EPA with an acceptable financial assurance for the post-closure care of the site to meet the requirements of 35 Ill. Adm. Code Part 725, Subpart H.
7. Pursuant to Section 39(g) of the Illinois Environmental Protection Act (the Act), necessary restrictions upon the future use of the site and long-term stewardship requirements to protect public health and the environment must be addressed, 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.

The following criteria are the basis of the determination to extend the post-closure care period for the two-acre landfill at the above referenced facility:

- a. Nature of waste in the landfill: The waste in the landfill includes a listed hazardous waste, electric arc furnace dust (EAF) (K061). This waste is also characteristically hazardous for hexavalent chromium (D007), lead (D008) and cadmium (D006). The waste was not pre-treated to meet the Land Disposal Restrictions (LDRs) for hazardous waste prior to disposal in the landfill.
- b. Unit Type/Design: The landfill contains an admix of EAF (K061) and non-hazardous slag material. The bottom liner consists of compacted clay. The final cover consists of 2-foot of compacted clay, 18 inches of select fill and 6 inches of topsoil with vegetation.

A viable cover is one of the most important mechanisms in preventing leachate generation and, ultimately, release of contaminants. The integrity and effectiveness of the landfill's final cover must be adequately monitored and maintained. Vegetation with well-established tap roots is growing on the landfill cover. This is not allowed under

RCRA post-closure care requirements.

- c. Leachate: The 2016 USEPA Guidance suggests that monitoring for leachate generation serves as the most effective way of examining the integrity of the waste management unit (e.g., it can suggest a cover or liner failure when leachate is detected late in the post-closure care period). The hazardous waste landfill does not have a leachate collection or monitoring system so it cannot be determined if leachate is present within the landfill. More specifically, it cannot be determined if the integrity and effectiveness of the cover system has been maintained during the post-closure period as required by 35 Ill. Adm. Code 725.410(a)(1) & (5), 725.410(b) and 725.217(a)(1).
- d. Long Term Care: Establishment and maintenance of physical and legal controls are necessary to prevent unacceptable exposure to hazardous waste left in place. Long-term restrictions of future land use must be placed on the site to minimize future exposure.

This action shall constitute Illinois EPA's final action on the subject identified in this letter. 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 thirty-five (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 ninety (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 Street, 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 Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from

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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 related aspects of this project, please contact Adam Shade at 217/785-9633. Questions regarding other aspects of this project should be directed to Kelly Huser at 217/524-3867.

Sincerely,

A handwritten signature in blue ink that reads "W. Robert Watson". The signature is fluid and cursive, with a long horizontal stroke at the end.

W. Robert Watson, P.E., Manager
Manager, RCRA Unit
Division of Land Pollution Control
Bureau of Land

WRW: KDH:1978030005-RCRA-C68-Corr.docx

~~KDH~~

CC: Bruce Shabino, P.G., Carlson Environmental, Inc.
Norberto Gonzalez, USEPA Region V
Charlene Thigpen, FOS Des Plaines