

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

HORACE FILE, ERWIN HEIGER, ARLIN WOKER)
ANDY TIFT, LAYTON PEDDICORD,)
BURNELL NEUMANN, LAVERLE EAKLE,)
LYNN SCHMOLLINGER, HOWARD PRINGLE,)
REID BINGHAM, CRAIG WOKER, MRS. O.J.)
DAIL, JEANETTE TIFT, ARLENE DAIL, GLEN)
MILES, JUANITUA HEDIGER, LEILA)
MILES, BILL GOODALL, CAROLYN)
SPRADLING, DONNA HAMPTON, HOLLIE)
WILLMAN, CHARLES H. FUNK, LEROY)
WEISE, MIKE EATON, PAM FUNK,)
JIM STOECKLIN, MARY BLOEMKER,)
DONALD SPRADLING, BOB BOWEN,)
DON MARTIN, JEANETTE FILE, and)
BOND COUNTY CONCERNED CITIZENS,)

Petitioners,)

v.)

D & L LANDFILL, INC.,)
BOND COUNTY BOARD OF)
SUPERVISORS, COUNTY OF BOND,)
STATE OF ILLINOIS,)

Respondents.)

PCB 90-94
(Landfill Siting)


CONCURRING OPINION (by B. Forcade):

I agree with the outcome in this proceeding affirming the decision below because of the significant deference given the trier of facts. However, I find one aspect extremely troubling. Therefore, I concur to express my reservations.

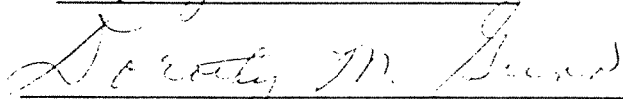
D & L provides information to the State of Illinois on the remaining capacity at the existing facility. That information was introduced at hearing (BCC Ex. 10) and asserts a remaining capacity of 16 years. At hearing, D & L's witness testified the existing facility's remaining capacity was, "less than two years." (R. 58). There is a rather profound difference between a remaining capacity of 16 years and one of less than two years. The applicant, D & L, is the source of information for both estimates.

Despite my reservations on the conflicting estimates provided by D & L on remaining capacity, I do not support reversal. The Bond County Board of Supervisors could have

legitimately concluded that the more accurate number of years of remaining life was 16. They could also have determined that 16 years was the shortest period their county should go without a plan for approved future disposal capacity.


Bill S. Forcade, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 31st day of August, 1989.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board