

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1986

CONCERNED NEIGHBORS FOR A )  
BETTER ENVIRONMENT, and )  
WILLIAM SCAVARDA, )  
 )  
Petitioners, )  
 )  
v. ) PCB 85-124  
 )  
 )  
COUNTY OF ROCK ISLAND, and )  
BROWNING-FERRIS INDUSTRIES )  
OF IOWA, INC., )  
 )  
Respondents. )


DISSENTING OPINION (by B. Forcade):

I respectfully dissent from the majority due to our continuing dispute on the interpretation of Criterion No. 4. My position on Criterion No. 4 was clearly stated in Board of Trustees of Casner Township v. County of Jefferson, PCB 84-175 & 84-176 (Dissenting Opinion by B. Forcade at pp. 5-6, April 4, 1985). My theory is that Criterion NO. 4 requires two factors:

1. A determination by Illinois Department of Transportation ("IDOT") that the facility is located outside the boundary of a 100-year flood plain or flood-proofed to meet IDOT standards and approved by IDOT; and
2. Competent evidence on IDOT's determination must be presented to the County Board.

Past landfill siting cases at this Board have focused on IDOT's refusal to make such a determination. Today's proceeding lacks both elements. Not only did IDOT fail to make a determination, no evidence on IDOT's action or inaction was before the County Board.

I cannot agree with the majority viewpoint as it simply rewrites Criterion No. 4 to eliminate any reference to IDOT.

  
Bill S. Forcade  
Member of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 10<sup>th</sup>, day of February, 1986.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board