

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

IN THE MATTER OF:)
)
FINANCIAL ASSURANCE FOR CLOSURE)
AND POST-CLOSURE CARE OF WASTE) R84-22C
DISPOSAL SITES (ECONOMIC IMPACT)
OF TEMPORARY REGULATIONS AND)
ADOPTION OF FINAL REGULATIONS))

RESOLUTION IN RESPONSE TO JCAR REQUEST.

RESOLUTION OF THE BOARD (by J. Anderson):

This matter concerns the adoption of permanent regulations implementing the financial assurance requirement for non-hazardous waste landfills. These regulations will replace temporary regulations earlier adopted, pursuant to Section 27(b) of the Environmental Protection Act (Act), without an economic impact study (EcIS).

On September 5, 1985, the Board adopted an Opinion and Order sending these R84-22C regulations to Second Notice without change from the temporary regulations adopted in R84-22B. On September 13, 1985, the Joint Committee on Administrative Rules (JCAR) received the second notice from the Board. JCAR placed the matter on its Agenda for October 16, 1985. A Board representative attended JCAR's October 16 meeting, but was not questioned.

In a letter to the Board dated October 22, 1985, JCAR confirmed that it had considered this matter at the October 16 meeting. However, JCAR voted to postpone consideration to its next meeting, which is tentatively scheduled for November 14, 1985. JCAR acknowledged that the second notice period expired on October 28, 1985 and that the Board is legally free to adopt and file the regulations. However, JCAR asked the Board to refrain from adopting its regulations until after JCAR had completed its consideration.

The Board will accede to JCAR's request to delay final action until after November 14. However, the Board notes that this delay places the Board in a tight time-frame for fulfilling its obligations to assure that there are ongoing effective rules in place pursuant to Section 21.1 of the Act.

As noted above, this matter concerns the adoption of regulations following receipt of an EcIS. Section 27 of the Act limits the effectiveness of the temporary regulations to 180 days after the EcIS is filed. The EcIS in this matter was filed on May 29, 1985, and the temporary regulations will expire on November 25, 1985. Because of the procedural and format requirements for final adoption and filing of regulations, taking

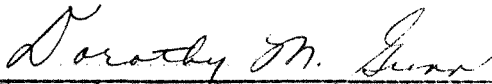
all necessary steps between November 14 and November 25 will place a significant strain on Board staff. In addition, it may be necessary for the Board to schedule a special meeting prior to its regularly scheduled meeting on November 21 in order to get the regulations into the mail sufficiently far in advance to allow for Administrative Code Unit review prior to the last day.

In postponing its action, the Board trusts it can rely upon the staff of JCAR to give timely assistance where needed, particularly concerning any necessary interactions with the Administrative Code Unit.

IT IS SO RESOLVED.

J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution was adopted on the 7th day of November, 1985 by a vote of 7-0.


Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board