

ILLINOIS POLLUTION CONTROL BOARD  
April 18, 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) )

IN THE MATTER OF: )  
)  
FINANCIAL ASSURANCE FOR CLOSURE )  
AND POST-CLOSURE CARE OF WASTE ) R84-22D  
DISPOSAL SITES [REVISION OF )  
R84-22(B) AND (C) REGULATIONS] )

PROPOSED RULE. FIRST NOTICE (R84-22C ONLY)

ORDER OF THE BOARD (by J. Anderson):

By this Order the Board is opening two dockets, R84-22C and R84-22D:

R84-22C

On April 4, 1985 the Board adopted temporary regulations under R84-22B prior to receipt of an economic impact study (EcIS) pursuant to Section 27(b) of the Act. The Board notes that Section 27(b) requires that procedures on this docket be completed no later than 180 days after the filing of the EcIS. The EcIS was filed by the Department of Energy and Natural Resources (DENR) on April 11, 1985. The Board therefore opens docket R84-22C for the purpose of conducting economic impact hearings and revising the temporary regulations as necessary in response thereto, prior to adoption of permanent rules.

Therefore, the Board readopts the temporary regulations under R84-22C for first notice pursuant to the Administrative Procedure Act.

R84-22D

There are some remaining issues, the merits of which were inadequately addressed in the R84-22B proceedings and, thus, are not included in the temporary regulations.

In the R84-22B Opinion of April 4, 1985 the Board noted three issues which appeared to merit further consideration. These included self-insurance for commercial disposal sites, financial guarantees by units of local government, and establishment of a risk pool to which operators could contribute

instead of providing individual financial assurance. The Board also has acknowledged, in response to the Joint Committee on Administrative Rules (JCAR) the need to explore certain areas in which the temporary rules may be ambiguous; however any proposed corrective language must be addressed at merit hearings.

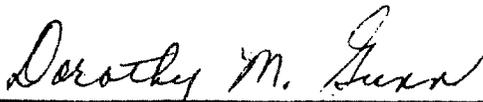
In order not to have these considerations and development of any new proposal cause a delay in the 180 day timetable provided in Section 27(b) of the Act for R84-22C, the Board opens docket R84-22D. Any rules eventually proposed by the Board in this subdocket could, of course, require DENR preparation of a supplement to the R84-22, Docket B EcIS, and economic impact hearings concerning the rules and supplemental EcIS.

Dockets R84-22C and R84-22D, will be consolidated for the purpose of hearings whenever possible. The records in R84-22(A) and (B) are incorporated into the records in R84-22 (C) and (D).

IT IS SO ORDERED.

B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 18<sup>th</sup> day of April, 1985 by a vote of 7-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board