

ILLINOIS POLLUTION CONTROL BOARD
December 27, 1984

IN THE MATTER OF:)
)
FINANCIAL ASSURANCE FOR CLOSURE) R84-22A
AND POST-CLOSURE CARE OF WASTE)
DISPOSAL SITES (EMERGENCY RULES))

IN THE MATTER OF:)
)
FINANCIAL ASSURANCE FOR CLOSURE) R84-22B
AND POST-CLOSURE CARE OF WASTE)
DISPOSAL SITES (TEMPORARY RULES))

FINAL ORDER. ADOPTED EMERGENCY RULE (R84-22A)
PROPOSED RULE. SECOND NOTICE (R84-22B)

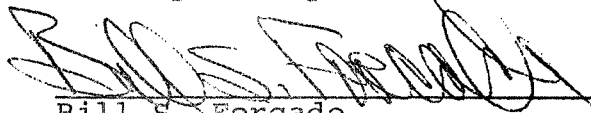
DISSENTING OPINION (by B. Forcade):

I respectfully dissent from the majority position because it fails to adequately protect the state. The primary objective of Section 21.1 of the Act is to ensure that the State of Illinois will not bear future financial responsibility for closure and post-closure care of private waste disposal operations.

The existing regulations provide that financial assurance by bond or letter of credit will last at least five years. At the end of that time the financial institution may withdraw, if the state has not ordered site closure, even if no alternative financial assurance is provided. This is a departure from the Board's policy for hazardous waste. There, a financial institution is not released from liability until alternative financial assurance is provided [See 35 Ill. Adm. Code 724.243(b)(4)(C)]

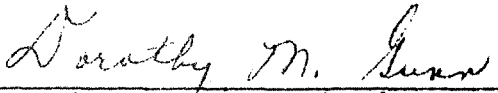
I would have included "failure to provide alternative financial assurance" as a condition for liability under Section 807.662(e)(2), 807.663(e)(2) and 807.664(e)(2). I would also have shortened the pay-in period of the Trust Fund in Section 807.661(d)(2). Presently, it allows full trust funding not less than three years nor greater than ten years.

In the absence of these modifications, I believe the state and its taxpayers still bear substantial financial risk from future activities of private waste disposal operations.



Bill S. Forcade
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 16th day of January, 1985.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board