

ILLINOIS POLLUTION CONTROL BOARD
April 18, 1985

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

FINAL ORDER ADOPTED RULE (R84-22B)

ORDER OF THE BOARD (by J. Anderson):

On April 4, 1985 the Board adopted temporary rules in this matter pursuant to Sections 27(b) and (c) of the Environmental Protection Act. The Board adopted an Opinion on the same date.

On December 27, 1984 the Board sent the temporary rules to second notice. The second notice was received by the Joint Committee on Administrative Rules (JCAR) on January 24, 1985. Although the second notice period ended on March 11, 1985, JCAR did not consider the proposal until March 19, 1985.

Three objections were discussed at the JCAR meeting, only one of which resulted in JCAR's transmittal of an objection. JCAR's objection involved disagreement with the Board's requirement of a performance bond or other security for the entire "site", rather than the "facility". The Board will not change the rules in response to this objection, an objection which was made eight days after the expiration of the second notice period.

However, JCAR recommended that the Board seek legislation clarifying whether the amount of the performance bond or other security is to cover the entire "site" since "site" is used in Section 21.1(a), or just the disposal unit because of the use of the word "facility" in the final sentence of Section 21.1(b). The Board's regulations reflect its statutory interpretation giving greater weight to the requirement of Section 21.1(a) that the performance bond or other security be "for the purpose of insuring closure of the site."

The Board recognizes that legislative clarification of Section 21.1 may be desirable. The Board will draft for JCAR the appropriate language that is consistent with the Board's interpretation.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Order was adopted on the 19~~th~~ day of April, 1985 by a vote of 5-0.

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