

ILLINOIS POLLUTION CONTROL BOARD

September 13, 1973

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO OPEN) R73-7
BURNING REGULATIONS)

OPINION OF THE BOARD (by Mr. Henss)

On May 17, 1973 the Illinois Environmental Protection Agency submitted Proposed Amendments to Chapter 2, Part V, of the Illinois Air Pollution Control Regulations. Board Newsletter No. 66, and local newspapers gave notice of public hearings in Rock Island on June 25, 1973 and Quincy on June 26, 1973. The Board adopted the proposed amendment by a vote of 4-0 on June 28, 1973. This opinion supports our adoption of the amendment.

The Amendments will allow the Agency to issue permits for open burning of certain types of relatively "clean" wastes resulting from floods, large storms or other similar disasters. As foundation for its proposal, the Agency stated:

"Cataclysmic events such as the flooding recently experienced through much of Illinois produce large amounts of landscape waste, agricultural waste, and debris from the destruction of buildings. Cleanup after such disasters is a monumental task. The property losses at such times can be enormous, and, when cleanup costs are added, the financial burdens can be truly staggering. Additionally, the piles of debris awaiting disposal are unsightly, an attractive nuisance and could provide harborage for vermin."

A key element of the new amendment is the requirement that only those areas declared a "major disaster area" pursuant to the U. S. Disaster Relief Act of 1970, Public Law 91-606, are eligible for a disaster burning permit. Mr. Roy Brown, Illinois Division of Waterways, testified that flooding in 1973 resulted in a declaration that 49 Illinois counties were disaster areas and therefore, eligible for Federal assistance under Public Law 91-606.

According to Mr. Brown, the Illinois Civil Defense Agency has assigned to the Illinois Division of Water Resource Management all responsibility for processing damage claims resulting from clearance of debris and wreckage not on State highway right-of-way. Each damage claim is jointly investigated by engineers from the Division of Water Resource Management and the U. S. Army Corps of Engineers in at least two field inspections. Based on past experience, Brown indicated that collection of disaster debris and transportation to a landfill for disposal was "at least twice as expensive" as disposal by open burning (Quincy, R-8).

There was no opposition to the basic proposal. Approval was expressed by the City of Des Plaines, the Moline and Madison County offices of Illinois Civil Defense, the Moline Sanitation Officer, the Illinois Department of Transportation, the Wood River Drainage and Levee District, and the Coal Creek Drainage and Levee District of Schuyler County. The only dissent came from those who would have preferred still more relaxation of the Open Burning Regulations. The City of Wheaton and the Rock Island Park Department felt the Regulation should be broadened to allow permits for open burning to be issued on the local level. Both the Moline and Rock Island Park and Recreation Departments asked that the Regulation also allow for burning in any area declared a disaster area by the Governor or any mayor. Olin Brass of East Alton felt that restricting the burning of building debris to "clean wooden" building debris limited the usefulness of the Amendment and would be unrealistic.

The record clearly did not support the inclusion of the Illinois Disaster Relief Act in the Agency's proposal. In fact, Roy Brown testified that, to his knowledge, the Illinois Disaster Relief Act is not used unless the U. S. Disaster Relief Act is also invoked. Therefore, broadening the Regulation in this manner would not actually broaden the use of this open burning procedure.

The EPA stated that permission for open burning following local storms or local calamities is best handled by the established variance procedure. We concur with the Agency on that issue.

In adopting these Amendments, the Board unanimously agreed with the Agency that permits for open burning should be quickly issued where a determination can be made that open burning of "clean debris" resulting from a major disaster would not cause a violation of the Environmental Protection Act. We believe that in the majority of cases the effect of such burning on ambient air quality will be miniscule when compared to the financial burden experienced by those required to properly dispose of the debris.

In addition, these Amendments will speed the clean up thereby reducing the health hazard from vermin and reducing the risk to children who play in such dangerous areas.

The Illinois EPA said that applications for disaster burning permit would receive priority consideration. Indications are that action on such applications can be taken within one day. This cooperative attitude of the Agency will be of real assistance in the early elimination of hazards caused by such disasters.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted this 13th day of September, 1973 by a vote of 4 to 0.

Christan L. Moffett

