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JUL 05 2018
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HAZEL CREST,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PETITION FOR REVIEW OF AGENCY DETERMINATION

NOW COMES PETITIONER, the Village of Hazel Crest, by its attorneys, Rosenthal, Murphey, Coblenz & Donahue, and pursuant to Section 40(a) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/40(a), and Part 105 of Title 35 of the Illinois Administrative Code, 35 Ill. Admin Code 105, hereby petitions the Illinois Pollution Control Board (“Board”) for review of the Illinois Environmental Protection Agency’s (“IEPA”) May 30, 2018 decision denying Petitioner’s application for an open burning permit. In support of its Petition, Petitioner states as follows:

1. Petitioner, the Village of Hazel Crest (the “Village”), is an Illinois Municipal Corporation located in Cook County, Illinois. Petitioner has consistently renewed its open burning permit annually for approximately twenty (20) years.
2. On May 11, 2018, the Village filed an application to renew its open burning permit. A copy of the application is attached as **Exhibit 1**.
3. On May 30, 2018, the IEPA issued its decision on the May 11, 2018 application. *See Exhibit 2*, Letter from Raymond E. Pilapil. The IEPA decision denied the Village’s application for an open burning permit. The stated basis for the denial is that the proposed

location of open burning with the aid of an air curtain destructor would violate 35 Ill. Adm. Code 237.201(d). The letter further states that the “Permittee failed to demonstrate the proposed location of open burning conducted with the aid of an air curtain destructor does not occur within 305 meters (1,000 feet) of any residential or other populated area.” Ex. 2.

4. The Village received the IEPA decision on June 6, 2018.
5. This Petition for Review is filed within the appeal period pursuant to Section 40 of the Act and 35 Ill. Admin. Code 105.206.
6. The basis for the appeal is that the decision by the IEPA was arbitrary and capricious, against the manifest weight of the evidence, clearly erroneous and contrary to the governing law and regulations. The proposed locations comply with the IEPA rules and regulations.

WHEREFORE, Petitioner, THE VILLAGE OF HAZEL CREST, respectfully requests that the Illinois Pollution Control Board grant the following:

- a. Find that the Agency’s May 30, 2018 decision is not supported by the evidence; arbitrary, capricious and not supported the evidence, and not supported by statutory or regulatory authority.
- b. Reverse the Agency’s denial of the open burning permit, and direct that such permit be issued.
- c. Award such other relief as the Board deems appropriate.

Respectfully submitted,

VILLAGE OF HAZEL CREST

By:  _____
One of its Attorneys

JOHN B. MURPHEY
AMBER M. SAMUELSON
Rosenthal, Murphey, Coblenz & Donahue
30 N. LaSalle Street, Suite 1624
Chicago, Illinois 60602
(312) 541-1070
(312) 541-9191 (fax)



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P. O. BOX 19506
SPRINGFIELD, ILLINOIS 62794-9506

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

For Agency Use Only

I.D. _____

Permit _____

APPLICATION FOR OPEN BURNING PERMIT

1. APPLICANT

Name: Village of Hazelcrest
Address: 3000 W. 170th Place, Hazel Crest Zip Code: 60429
Contact Person: DANTE Sawyer Phone: 708/337 9600 Ext 202

2. TYPE OF PERMIT APPLICATION

Firefighting Instruction/Research Prairie or Forest Ecology Management
 Disaster Waste Landscape Waste, With Air Curtain Destructor
 Other (Specify): _____

3. GENERAL JUSTIFICATION FOR OPEN BURNING

Reasons why alternatives to open burning are not available: _____
Disposal fees for landscape ~~to open burning~~ waste are increasing dramatically, especially for large trees
Reasons why such burning is in the public interest: To save tax dollars, to eliminate illegal residential burning and fly by dumping

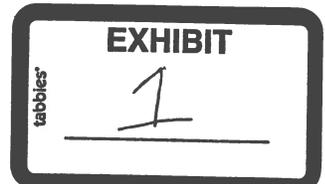
4. SITE

Address: 2700 block of 170th Street
County: Cook Township: Bremen

Attach to this application (1) a sketch of the immediate vicinity of the site, and (2) a printed map of the general area with the site and nearby features marked. Together these maps must describe the site and provide the distance to nearby features, including adjacent structures, residences, populated areas, roadways, airports, lakes and waterways, hospitals, nursing homes and schools.

5. DURATION AND SCHEDULE

Estimated duration of Open Burning: 40 max Total Hours
If Open Burning will occur over more than one day: 8 max Hours/Day
Scheduled Date(s): MON/Fri Alternate Date(s): Sat
Name of individual to contact on-site to verify date(s) for Open Burning: _____
Karl Persons Phone: 708/337 9600 Ext 203



6. MATERIALS TO BE BURNED

<u>Item</u>	<u>Amount/Size</u>	<u>Composition/Description/Contents</u>
Large diameter trees	40-60 per year	branches/leaves/trunks

Specify total amounts of material to burned at the site. Include material(s) used to start the fire and any supplemental material(s) used to maintain the fire. Describe items in appropriate terms, that is

Prairies: Acres - Type and extent of vegetation

Chemicals: Volume or weight - chemical constituents

Buildings: Stories, rooms, square feet - type of construction, state of deterioration, roofing & siding materials, remaining furnishings, other contents

7. CONTAMINANT EMISSIONS

Particulate Matter _____ LB Sulfur Dioxide _____ LB Nitrogen Oxide _____ LB
Organic Material _____ LB Carbon Monoxide _____ LB
Other (_____) _____ LB

Attach calculations or other means by which the above data was obtained. (This Section need not be completed for burning of vegetation, landscpae waste, building debris, and agricultural waste. If the materials are adequately described in Section 6).

8. RESIDUE DISPOSAL

Method to be used to dispose of the residue from Open Burning: _____

Material will be taken to an official dump site by Homewood Disposal

9. ABATEMENT

Steps taken in planning for Open Burning to minimize emissions and air quality impacts:

Amount of Material Scheduling Site Selection Other (air curtain destructor)

Explanation: _____

Methods used during Open Burning to reduce contaminant emissions and minimize impact on air quality:

Water-Fog Curtain Controlled Burn Other (air curtain destructor)

Explanation: EPA approved method for burning 8'x18'

10. NOTIFICATION

Have individuals living or working near the site been notified of the proposed Open Burning?

Yes No If "Yes", explain method of notice and any additional measures to be taken to respond to concerns:

The burn site has had numerous publications advertising its purpose and existence. It appears in our Villager newspaper on a regular basis touting the efficiency and tax saving to our residence.

11. ADDITIONAL INFORMATION -LANDSCAPE WASTE DISPOSAL ONLY!

Name of air curtain destructor or comparable device: Driall air curtain destructor
Manufacturer: Driall Model No.: ACD21

Attach a copy of the manufacturer's written instructions for use of the device to the application. A copy of these instructions should be available at the Open Burning site. MORE THAN 19 YEARS OLD

12. ADDITIONAL INFORMATION - DISASTER WASTE DISPOSAL ONLY!

Type of Disaster: Tornado Ice Storm Flood Other (Specify): _____

Disaster Declared By: Governor Of Illinois President Of The United States
Will material other than clean wooden building debris, landscape waste or agricultural waste, caused by the disaster, be burned? Yes No

13. ADDITIONAL INFORMATION -FIREFIGHTING INSTRUCTION/RESEARCH ONLY!

Participation in the exercise:	Estimated Number of participants
<u>Organizations or Departments</u>	
_____	_____
_____	_____
_____	_____

Scope of Training Exercise: Use Of Extinguishers Forceable Entry
 Rescue Techniques Use of Smoke Masks and Breathing Apparatus Other (Specify): _____

Description of Open Burning as related to the training exercise (plan of fire, phases of training, methods of ignition, extinguishment methods, etc.):

Attach written plan for exercise or similar exercise, if available

List of other training activities in the last 12 months including all Open Burning exercises:

AUTHORIZED SIGNATURE

The undersigned hereby makes application for an Open Burning Permit and certifies that the statements contained herein are true and correct.

Signature: Dante Sawyer Date: 05-11-18

Typed Or Printed Name Of Signer: Dante Sawyer

Title Of Signer: ASST. Village Manager / Director Public Works

Additional Comments:

Google Maps

5/11/2018

Google Maps



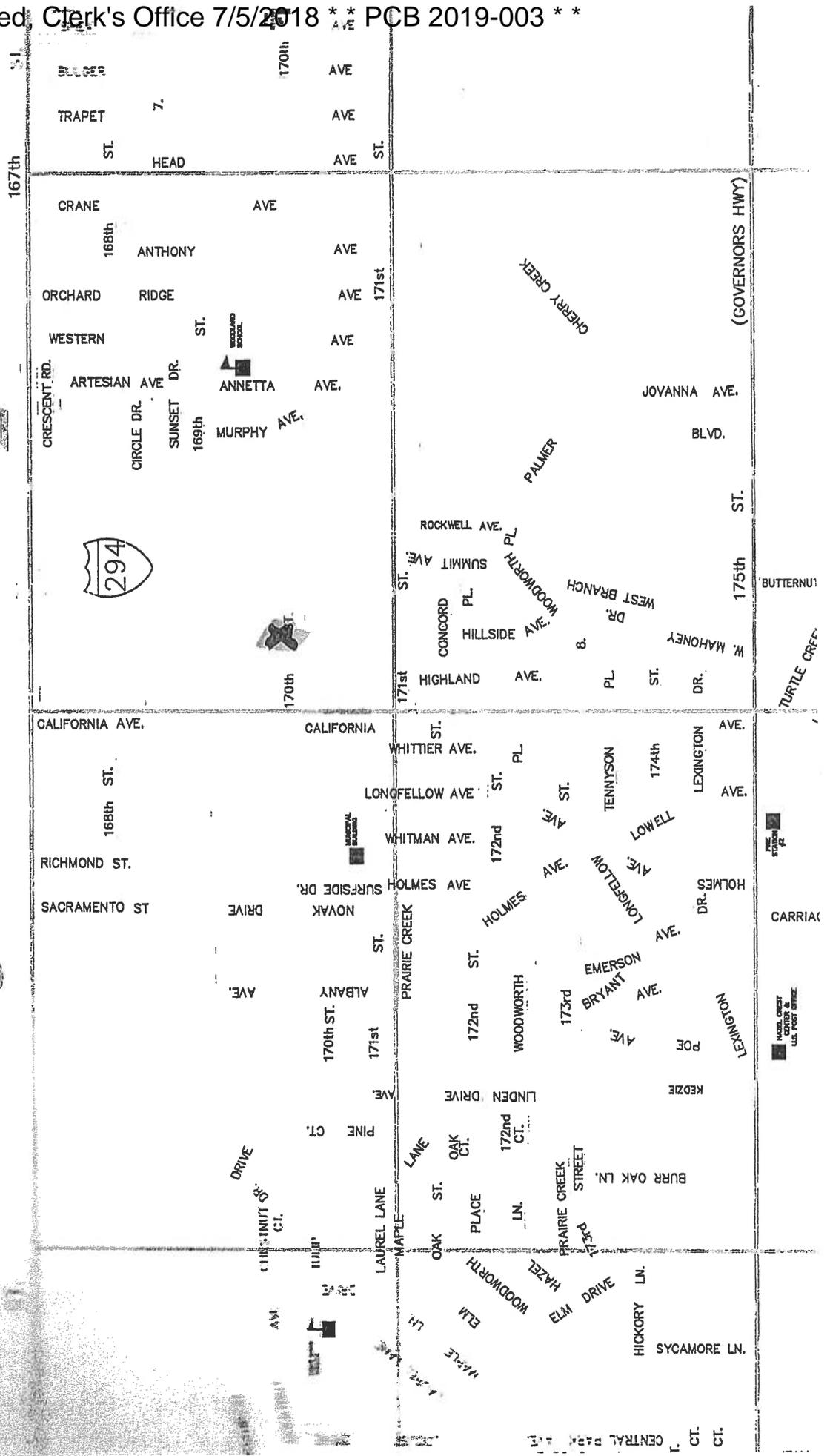
Imagery ©2018 Google, Map data ©2018 Google 100 ft

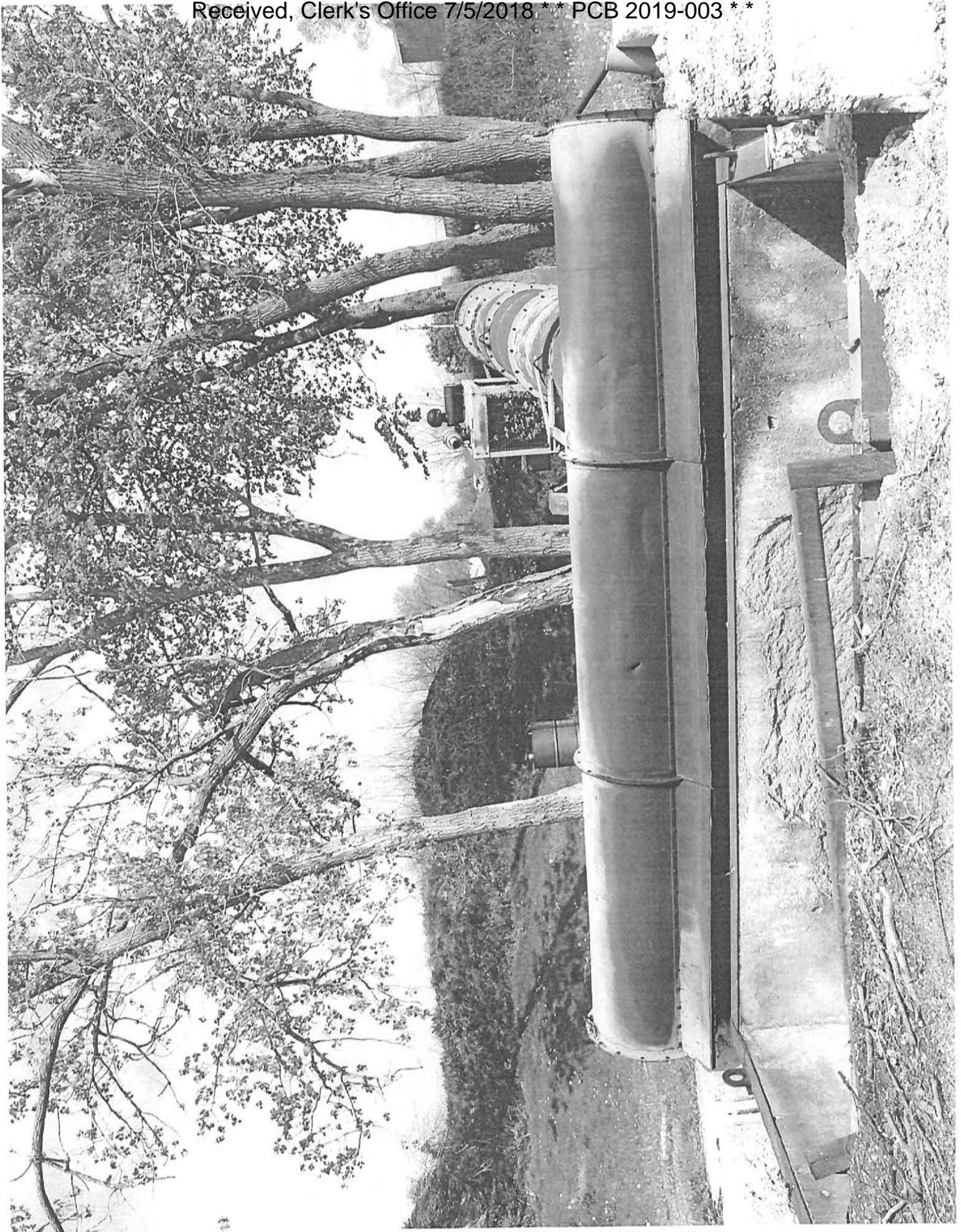
PIT

X = BRUSH MARSHALLING AREA WITH BORDER

2

3









ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/785-1705

OPEN BURNING PERMIT APPLICATION - DENIED

May 30, 2018

Village of Hazel Crest
Attn: Dante Sawyer
Assistant Village Manager
3000 West 170th Place
Hazel Crest, Illinois 62429

Application No.: B1802130
I.D. No.: 031117
Received: May 11, 2018
Open Burning of: Landscape Waste with Air Curtain Destructor
Location: 2700 Block of 170th Street, Hazel Crest
County: Cook

The application for an open burning permit referenced above is DENIED because the proposed location of open burning conducted with the aid of an air curtain destructor would violate 35 Ill. Adm. Code 237.201(d).

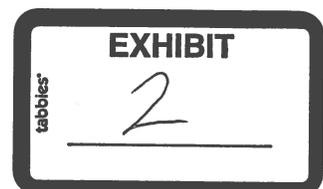
Based on information contained in the above-referenced application, the Permittee failed to demonstrate the proposed location of open burning conducted with the aid of an air curtain destructor does not occur within 305 meters (1,000 feet) of any residential or other populated area. Specifically, the application indicates that there are two locations that would fail to meet these requirements.

If you have any questions on this denial, please contact Hernando Albarracin at 217/785-1705.

A handwritten signature in black ink, appearing to read "Raymond E. Pilapil".

Raymond E. Pilapil
Manager, Permit Section
Bureau of Air

REP: HAA:mlm



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NOTICE OF FILING

To: SEE ATTACHED LIST

PLEASE TAKE NOTICE that on July 5, 2018, on behalf of the Village of Hazel Crest, I filed with the Office of the Clerk of the Pollution Control Board a **PETITION FOR REVIEW OF AGENCY DETERMINATION**, a copy of which is herewith served upon you.


 Amber M. Samuelson

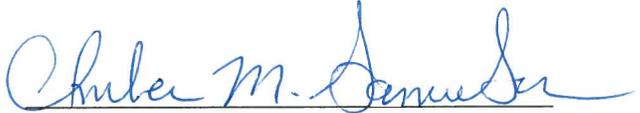
John B. Murphey
 Amber M. Samuelson
 Rosenthal, Murphey, Coblenz and Donahue
 30 N. LaSalle Street, Suite 1624
 Chicago, Illinois 60602
 (312) 541-1074; (312) 541-9191 (fax)

CERTIFICATE OF SERVICE

I, Amber M. Samuelson, certify, under the penalties of perjury pursuant to 735 ILCS 5/1-109, that I caused a copy of the attached NOTICE OF FILING and PETITION FOR REVIEW OF AGENCY DETERMINATION to be served via First Class Mail, postage paid, from 30 N. LaSalle Street, Chicago, Illinois, 60602 on the 5th day of July, 2018 to the following:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601


Amber M. Samuelson

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Amber M. Samuelson

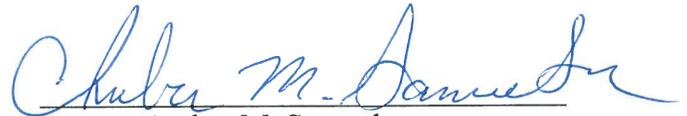
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APPEARANCE

The undersigned hereby enters her appearance on behalf of the Petitioner, Village of Hazel Crest.

Respectfully submitted,

ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE

By: 
Amber M. Samuelson

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