

ILLINOIS POLLUTION CONTROL BOARD  
March 22 , 1972

HAYES BRANCH DRAINAGE DISTRICT )  
OF DOUGLAS COUNTY, ILLINOIS )

and )

DRAINAGE DISTRICT NO. 4 OF THE )  
TOWN OF TUSCOLA, DOUGLAS COUNTY, )  
ILLINOIS )

PCB 71-356, 71-357

v. )

ENVIRONMENTAL PROTECTION AGENCY )

Dissenting Opinion by Samuel R. Aldrich:

On February 7, 1972, the Illinois Pollution Control Board voted to deny the variance request of the Drainage District No. 4 of the Town of Tuscola and the Hayes Branch Drainage District of Douglas County. I dissent from that decision.

I agree that the petition is deficient in some respects. It does not adequately explain the disadvantages associated with hauling away the debris rather than burning it. Petitioners mention only that trucking the material over agricultural land would result in packing the ground. However, in my judgment it is expecting too much to require Petitioners to seek out a qualified soils expert to explain that compaction of soils increases the bulk density and decreases porosity, thus inhibiting root growth. This is particularly true of soils with a high clay content such as are characteristic of the Tuscola area. Compaction also results in large clods which are different to refine into a suitable seedbed.

The majority opinion raises the question of whether compaction of the soil by trucks would be any different from compaction by the tractor used to remove the growth from the channel. The compaction may indeed be no different but certainly trucking away the debris would result in additional land being compacted as the material is hauled from the site to the road. A more significant point is that if Petitioners were permitted to burn the debris at the site there would be less compaction from either source.

In the majority opinion the time required for burning the debris with an Air Curtain Destructor is extrapolated to the open burning of the same amount of debris. This simply cannot be done. Open burning would probably take considerably less time than the projected 55 days because burning could occur over a much wider area than use of the Destructor would permit.

I am concerned that the delay due to the Board's action may prevent Petitioners from conducting part or all of the clearing operation before the frost is out of the ground.

I would have granted the variance and in the Order listed weather conditions and time of day during which burning could be done.

I, Christan Moffet, Clerk of the Pollution Control Board, certify that Samuel R. Aldrich submitted the above dissenting opinion this 29<sup>th</sup> day of March, 1972

Samuel R. Aldrich

Christan L. Moffet