

ILLINOIS POLLUTION CONTROL BOARD
April 14, 1971

City of Roodhouse)
)
 v.) PCB 71-61
)
 Environmental Protection Agency)

Opinion of the Board (by Mr. Kissel):

On March 25, 1971, the City of Roodhouse filed a petition for variance to burn trees. According to the one-page petition, the City has the responsibility of maintaining the streets and alleys of the City and, in addition, operates the gas, water, electric and sewer systems. There are twenty-two (22) miles of street lined with trees in the City which the City must maintain. The City, as a result of its responsibilities, has branches, debris and trees which must be cut down, picked up and disposed of. The City wants to burn the trees in "an open burning ground which is considerable distance from any home." The City has no special burning equipment--other than a tractor which is used "to keep the burning materials in a central spot." There are no plans to buy special equipment for the burning of the trees.

This Board has consistently held that the burning of trees (other than infectious vegetation) will not be allowed. See Swords v. EPA, #70-6 (Sept. 2, 1970); City of Jacksonville v. EPA, #70-30 (Jan. 27, 1971); Valence v. EPA, #70-54 (March 3, 1971); and City of Litchfield v. EPA, #71-35 (March 27, 1971).

The last cited case is directly in point. There, as here, the City alleged that it did not have the money to dispose of the trees by a method other than open burning. In that case we said:

"That it costs the tree burner more to avoid pollution than to cause it is no reason to allow pollution."

The same statement can be made in reference to the petition for variance filed by the City of Roodhouse.

We have pointed out in each of the open burning cases that we presently have under consideration a proposed new regulation with regard to the open burning of trees. (#R70-11). If it is found in that proceeding that alternative methods

of disposal, i.e., landfill, and controlled burning are less attractive than open burning, we can reconsider the policy expressed in this opinion. As we said in the City of Litchfield case, supra:

"In the meantime, however, open burning is prohibited."

The petition is dismissed.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion this 14th day of April, 1971.
