

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS
April 28, 1971

LAKE COUNTY FOREST PRESERVE)
DISTRICT)
) #71-64
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

OPINION OF THE BOARD (BY MR. LAWTON):

On March 26, 1971, the Lake County Forest Preserve District filed with the Board a Petition for Variance of the Open Burning Regulations in order to permit the Lake County Forest Preserve District to burn Berkeley Prairie for ecological management purposes. The petition recites that Berkeley Prairie is an 18-acre natural area owned by the Lake County Forest Preserve District, acquired at the request of and with financial assistance from local citizens operated through the Illinois Chapter of the Nature Conservancy. The petition sets forth the reason why the burning is desirable.

"Burning enhances prairie flora in four ways:

- A. The blackened ground results in the faster cooling of the prairie soil at night which slows down respiration in plant roots producing better above surface plant growth and seed production.
- B. Ashes containing phosphorous and potassium result in better flowering of prairie plants.
- C. The fire retards the invasion of undesirable shrubs and trees and allows prairie plants to out-compete non-native grasses which are moisture loving and shallow-rooted.
- D. Litter removal by spring fire provides room for prairie plant seedlings.

Alternate management practices such as hand removal of shrubs and mowing only partially replace the benefits of burning. Basically, prairies evolved in a fire-ecology and periodic burning is a necessary phenomenon for their well-being."

The petition indicates that such burning would take place only once every three years and would be a single and not recurring event. Hardship is asserted in complying with the Open Burning Regulations in that failure to permit the variance would result in destruction of the prairie and that no satisfactory alternative technique is available, both in consideration of cost and effectiveness. Petitioner represents that the burning would produce no injury to the adjacent neighborhood, that the proposed controlled burning would be used as a training exercise for district field personnel with the view of eliminating wood fires on other adjoining lands and that the burning would be subject to supervision and control by both the Lake County District personnel and the Highland Park Fire Department.

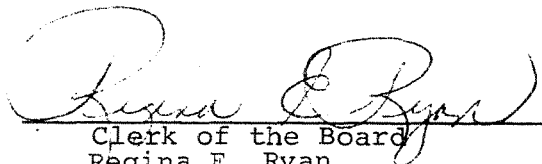
The recommendation received from the Environmental Protection Agency notes that several residents in the area were contacted and expressed opposition to the variance, their attitude not being related to the specific variance but rather against burning conducted by the "government". The Agency recommends that the variation be granted subject to conditions that are set forth in the decretal portion of this Opinion, and notes that it believes any nuisance resulting from the burning would be more than offset by the benefits gained to the community in the preservation of this prairie. We agree for reasons stated in the petition.

This Opinion constitutes the findings of fact and conclusions of law of the Board and supports the order of variance entered by the Board on April 19, 1971.

IT IS THE ORDER of the Pollution Control Board that Petitioner shall be authorized and permitted to burn Berkeley Prairie pursuant to the prayer of its petition in variance of the Open Burning Provision of Section 9(c) of the Environmental Protection Act and the Rules and Regulations governing the control of air pollution, subject to the following conditions:

1. Burning the prairie shall be conducted as a single-episode on one day only between the hours of 9:00 A.M. and 4:00 P.M. Said burning shall be supervised by personnel of the Lake County Forest Preserve District and the Fire Department of the City of Highland Park. The burning shall be conducted under weather conditions that assure maximum dispersion and minimum impact on adjacent properties.
2. The Lake County Forest Preserve District shall file a report to this Board and the Agency advising when said burning is completed and the circumstances and details attendant thereto.

I, Regina E. Ryan, certify that the Board has approved the above opinion this 28th day of April, 1971.


Clerk of the Board
Regina E. Ryan