

ILLINOIS POLLUTION CONTROL BOARD
September 3, 1981

CITY OF FREEPORT,)
)
) Petitioner,)
)
) v.) PCB 81-57
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by D. Anderson):

This matter comes before the Board upon the petition and amended petitions for variance filed April 15, May 14 and June 15, 1981 by the City of Freeport (Freeport). The petition requests extension of a variance previously granted from Rule 502(a) of Chapter 2: Air Pollution. The variance would allow burning of clean wood wastes in a municipal air curtain destructor. The Illinois Environmental Protection Agency (Agency) filed a motion to dismiss the original petition and requested a hearing in the alternative. On May 14, 1981 the motion was denied and a hearing ordered. On July 13, 1981 the Agency recommended that the variance be granted with conditions. The Agency withdrew its request for a hearing on July 22, 1981. No hearing was held and the Board has received no public comment.

Freeport operates an air curtain destructor approximately one mile south of its city limits in Stephenson County. Freeport burns landscape waste and clean lumber products from local industry. The Agency is authorized to allow by permit open burning of landscape waste but not wood wastes [Rule 504(a)(4)]. A variance from Rule 502(a) is therefore required.

On September 15, 1976 the Board granted Freeport a five-year variance to allow this same operation (PCB 76-158; 23 PCB 501). There is no indication of any violation of variance conditions during this period.

Freeport at one time burned five to seven tons of waste lumber per day. Freeport now allows residents to use the landscape waste and lumber for firewood, although this was not required by the conditions of the previous variance. This has reduced the quantity

of wood burned to about four tons per day. This, together with a reduction in the number of elm trees dying, has reduced total burning to about 25% of levels burned in 1972. The Board finds that Freeport has made satisfactory progress toward full compliance within the meaning of Section 36(b) of the Environmental Protection Act (Act). The variance will be renewed with conditions similar to those recommended by the Agency.

The Agency estimates that open burning of four tons of wood produces the following emissions:

	<u>Kg</u>	<u>Pounds</u>
Particulates	8.4	18
Hydrocarbons	0.45	1.0
Nitrogen oxides	7.3	16

The facility is located in an isolated area about one mile from the nearest residence. The Agency has received no complaints about the facility. The nearest air quality monitoring station is about thirty miles east in Rockford. The Agency considers this distance too far to render Rockford data significant. Stephenson County has been classified as better than national ambient air quality standards or unclassifiable for all specified air contaminants.

The Agency believes that this variance should be submitted to the United States Environmental Protection Agency as a revision to the Illinois State Implementation Plan (SIP). The Agency intends to submit it as such.

Since the date of filing of the original petition Freeport has filed with the Board a petition for a site-specific rulemaking (R81-21). Freeport has requested only a two year variance terminable upon a final action in the rulemaking. This time may not be adequate in which to complete action in the rulemaking. The Board will therefore grant a five year variance.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioner, the City of Freeport, is granted a variance from Rule 502(a) of Chapter 2: Air Pollution to allow the burning of clean wood waste in the air curtain destructor described in the Opinion, subject to the following conditions:

1. This variance will expire five years from the date of this Order or upon final action of the Board in R81-21, whichever occurs first.

2. Petitioner shall burn only landscape waste and clean wood waste in its air curtain destructor.

3. Petitioner shall burn no more than four tons of wood waste per day (other than landscape waste).

4. Petitioner shall make reasonable efforts to encourage residents to take wood and landscape waste for their own use.

5. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 81-57, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
TITLE _____
DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the _____ day of September, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board