## ILLINOIS POLLUTION CONTROL BOARD July 12, 1979

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DU PAGE COUNTY HEALTH DEPARTMENT,

Complainant,

v.

PCB 78-163

JEFF GREULICH,

Respondent.

MR. JOSEPH BONK, ASSISTANT STATE'S ATTORNEY, appeared on behalf of Complainant.

JEFF GREULICH appeared pro se.

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

The Complaint in this case alleges that Respondent violated Rules 502, 503(c)(1) and 504(a)(4) of the Air Pollution Control Regulations by the open burning of landscape waste without an open burning permit. Hearings were held on October 6, 1978 and November 16, 1978 in Lombard, Illinois.

At the November 16 hearing, it was determined that landscape waste, as defined under 501(d), was burned on Respondent's premises. Respondent admitted the burning of logs, wood chips, and debris accumulated from his premises as well as from his tree removal business.

Rule 502 of the Regulations expressly prohibits causing or allowing open burning except as provided in Rules 503, 504, and 505 of the Regulations. Open burning of landscape waste under 503(c) is permitted only on the premises on which such waste is generated. Respondent stated that most of the debris was not transported to the premises but was generated there. No corroborating evidence was offered in support of this contention. Testimony was given by an employee of the DuPage County Health Department that Respondent had been advised on previous occasions as to the proper disposal of the landscape waste. Subsequently, complaints were registered and official fire reports of the Lombard fire department indicate that on three separate occasions (October 3 and 6, 1977 and April 30, 1978) department equipment was on site to extinguish fires.

The Agency may grant permits for open burning of landscape waste, under Rule 504, in any area of the State if such burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially; and does not occur within 1,000 feet of any residential or other populated area. Respondent failed to obtain the appropriate open burning permit and also failed to utilize devices to reduce emissions produced by the burning.

After review of the factors in Section 33(c) of the Act the Board finds that a cease and desist order is appropriate to prevent further interference with the protection of the health, general welfare and physical property of the people as a result of the open burning. Alternate methods of disposal are available and also appropriate for the amount and type of waste involved. A \$200 fine, payable within 35 days of the date of this Order is imposed to aid in the enforcement of the Act.

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

## ORDER

- 1) Respondent has violated Rules 502, 503(c)(1) and 504(a)(4) of the Air Pollution Control Regulations.
- 2) Respondent shall cease and desist from any further violations of Rules 502, 503(c)(1) and 504(a)(4) of the Air Pollution Control Regulations.
- 3) Within 35 days of the date of this Order, Respondent shall forward the sum of \$200, by certified check or money order, payable to the State of Illinois to:

Illinois Environmental Protection Agency Fiscal Services Section 2200 Churchill Road Springfield, Illinois 62706

IT IS SO ORDERED.

Control Board, hereby certify the above Opinion and Order	
were adopted on the 121 day of ul,	
1979 by a vote of S.o.	
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Christian Mohaett	
Christan L. Moffett, Clerk	

Illinois Pollution Control Board