

ILLINOIS POLLUTION CONTROL BOARD

January 23, 1975

CITY OF PLANO,)
)
) Petitioner,)
)
 vs.) PCB 75-14
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Petitioner requests a variance from Open Burning Regulations in order to open burn landscape waste. On page 5 of the petition the following language is included:

"Petitioner further requests a statement that an air curtain destructor, properly installed, which presently meets requirements for disposal of landscape waste, will continue to be an approved method for a reasonable number of years, and that Petitioner will be considered to be in compliance during such period of time."

At the present time the Regulation provides for a one year permit for the use of an air curtain destructor. Any extension of that time would involve the amendment to the Regulation. Petitioner does not propose to amend the Regulation nor would we authorize a regulatory proceeding to proceed in conjunction with a variance request. Therefore, the language which is quoted above is stricken and we authorize this petition to proceed as a request for variance from the Open Burning Regulation. If Petitioner in the future wishes to commence a regulatory proceeding for the purpose of authorizing long time usage of an air curtain destructor then the regulatory procedure should be followed consistent with our Procedural Rules.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted this 23rd day of January by a vote of 3-0.

