

ILLINOIS POLLUTION CONTROL BOARD  
February 6, 1973

PEKIN LAKE CONSERVATION AREA            )  
  )  
                  v.                        )     PCB 72-420  
  )  
ENVIRONMENTAL PROTECTION AGENCY        )

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

This is a petition for variance from Rule 502 of the Illinois Air Pollution Control Regulations to allow the open burning of demolished shacks and cabins in the Pekin Lake Conservation Area. Hearing was held on December 13, 1972. In 1970 the Governor appointed a Citizens Advisory Board of Pekin residents in order to formulate plans and assist in developing certain land as a state park. At that time, the land contained around 40 shacks and cabins used mostly by squatters. Also on the property were dumps, garbage and other debris causing a general health problem. At the present time most of the buildings have been demolished. A few have been burned under a prior permit.

The materials to be burned consist of lumber, roofing and other miscellaneous items commonly found in building construction. Petitioner has been unable to estimate the quantity of discharge expected due to the varying sizes of the debris piles. The buildings occupy a border along the east side of the property that stretches for approximately one mile.

The area at present is unsanitary and appears to be very dangerous, especially to children. There is evidence of rats and other vermin in the area. There is also evidence that the buildings are structurally unsafe and could collapse. Children have been congregating in the buildings and the police are concerned about their activities.

Presently there are inadequate governmental funds available to the petitioner (the Department of Conservation) to remove the debris by hauling it by truck to a landfill somewhere. Even if the funds were available, in order to haul the material away it would be necessary to construct roads, trails and other working areas for cranes, bulldozers, trucks and other equipment that would cause deterioration or destruction of much of the natural landscape which is already there.

The burning is planned for over a period of time so as to allow the existing atmospheric conditions to readily dissipate any contaminants that would be present. Care would be taken by the City of Pekin and professionals in the area so that no visibility hazard would be created to the railroad which adjoins the Conservation Area property or to any roadway that would be nearby. Also, it is planned that during any burn there would be rat bait stations set up so there would be no problem to neighbors on the other side of the railroad. The rookery area for wild fowl is far enough away that it should not be harmed.

It is also planned that the burning would be conducted in cooperation with the Pekin Fire Department and the City and County Health Officers. After the burning is completed, the debris will be buried in the immediate area.

We grant the variance in this case. While we are not satisfied that the petitioner has taken all steps necessary to explore alternative means to burning, we do feel that there is a definite need to clean up the area both sanitarily and aesthetically as soon as possible in order to abolish the unquestioned hazards. Since the petitioner is a State agency, to deny the variance might cause an inordinate delay in eliminating these hazards because of the budget process. The fact that the intended purpose for the land is for public recreation and enjoyment is a significant factor to our decision.

This opinion constitutes the Board's findings of fact and conclusions of law.

#### ORDER

The petition for variance to allow open burning is granted on the following conditions:

1. That the Agency is fully notified by petitioner of exactly where, when and how the burning is intended to occur.

2. That wind directions at the time of burning are such that residences and rookery areas will not be affected.

3. That suitable fire protection and rat elimination precautions are taken.

4. That this burning and the renovation of the area be accomplished by May 5, 1973.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 5<sup>th</sup> day of February, 1973, by a vote of 5 to 0.

Christan L. Moffett

