

ILLINOIS POLLUTION CONTROL BOARD

February 14, 1973

STERLING PARK DISTRICT,)
)
 Petitioner,)
)
 vs.) PCB 72-409
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Robert Caughey, Attorney for Petitioner
Michael Benedetto, Jr., Assistant Attorney General for the EPA

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner Sterling Park District has requested a variance from Section 502 of this Board's Air Pollution Regulations to authorize leaves to be burned in Sinnissippi Park. In its petition the Park District stated that approximately 2,300 cubic yards of leaves are to be burned and that disposing of the leaves at a landfill site would cost well over \$5,400, a substantial burden for the Park District. Petitioner stated that the leaves would be burned between the hours of 2 p.m. and 9 p.m. with the wind out of the northwest so as to blow the smoke away from populated areas. The Sterling Park District has 387 1/2 acres of park lands lying inside and outside the corporate city limits. However, the variance is requested only for Sinnissippi Park which consists of some 150 acres and lies 3/4 to 1 mile outside of the city limits.

Subsequent to the filing of the variance petition we amended the Open Burning Regulation and provided that landscape waste may be burned under certain conditions in areas more than 1,000 feet from a municipality. In our Opinion of November 28, 1972 we said "park districts or forest preserves which are not located in a prohibited area may conduct open burning of landscape waste, but, because of the quantities of waste which may be involved need to take special care not to create a nuisance. Such open burning of landscape waste is authorized only on the premises where it is generated when atmospheric conditions will readily dissipate the contaminants and if the burning does not create a visibility hazard". Our Amendment to the Regulation would appear to authorize the open burning of Sinnissippi Park leaves and make a variance unnecessary. Therefore, the Petition for a variance to burn Sinnissippi Park leaves on the Sinnissippi Park premises is dismissed as moot.

Although it is not very clear from the record Petitioner may be planning to burn leaves from all of its parks, those within the City included. Estimates of the quantity of leaves actually to be burned range up to 25,000 cubic yards, far in excess of the 2,300 cubic yards mentioned in the Petition. Testimony indicates that additional leaves are hauled to the burn site from Lincoln Park which is located inside the Sterling city limits and from another location called Hoover Addition. To the extent that Sterling Park District may be planning to haul leaves from a prohibited area for burning at Sinnissippi Park the variance petition will be denied. There is no testimony indicating that compliance with the Regulation will cause a greater hardship for this Park District than for other park districts around the State or for individual citizens. We note that the Director of Environmental Health for the Whiteside County Health Department opposed the variance. He stated that it would create misunderstanding and confusion among the citizens in the area if the Park District were permitted to burn leaves while those citizens were in compliance with the Regulation. We agree. The EPA estimates that the burning of 25,000 cubic yards of leaves will give off almost 6 tons of particulate matter. We do not approve of hauling the leaves to cause such a concentration of contaminants in one community.

It is our ruling that the Sterling Park District shall comply with the Regulation in all respects. No variance is granted. Leaves which grew at Sinnissippi Park may be burned there in compliance with the Regulation when atmospheric conditions will readily dissipate contaminants.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this _____ day of February, 1973 by a vote of _____ to _____.
