

minimal danger of fire spreading to the surrounding area and the burning takes place only under atmospheric conditions which will facilitate dispersion of the emissions. A fire control technician with fire fighting equipment is present during the burning. The U. S. Forest Service is recognized as a fire fighting agency and is equipped with a 4-wheel drive vehicle carrying 250 gallons of water and a small high pressure pump along with various other hand tools, back-pack water pumps and other fire fighting equipment. Debris remaining after the fire is placed under ground and it is not too long before the area is covered with natural vegetation.

The U. S. Forester who testified in favor of the variance said that budgetary problems would prevent the removal of the buildings for as much as two years if the buildings could not be burned. Removal of the material to a landfill or use of an air curtain destructor at the site would involve the moving of heavy equipment over the trails and through streams causing damage to the forest ecology. An air curtain destructor could only be moved into some of the areas during a time when the trails were dry--the time of the year when there is an increased danger of forest fires.

The testimony indicated that unauthorized persons occupy these abandoned buildings causing a drug problem and increased pollution from their poor sanitation habits. This unauthorized occupancy also creates a fire hazard.

We see no reason to deny this variance. The structures are relatively small and the fire ordinarily consumes them within the period of one hour. Emissions from this type of fire in a very sparsely settled part of the State do not seem particularly alarming. To deny the variance will simply result in a different type of ecological problem--the pollution and health problems caused by unauthorized occupants, the damage to natural trails and streams.

Section 504 of our Open Burning Regulation provides "the Environmental Protection Agency may grant permits for open burning for...management in prairie or forest ecology". It has been suggested that under Section 504 the EPA has authority to grant a permit to a governmental agency for such burning of refuse. We do not decide that issue here. There may be a proceeding to amend the Open Burning Regulations within the near future and the issue will be appropriately raised in any such proceeding.

ORDER

It is ordered that the Petition for Variance be granted for the period of one year from the date of this Order upon condition that Petitioner exercise all precaution to reduce the hazard of forest or prairie fire and to conduct the open burning at a time when atmospheric conditions will facilitate the rapid dispersion of the emissions.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 14th day of February, 1973 by a vote of 3 to 0.

Christian L. Moffett

