

ILLINOIS POLLUTION CONTROL BOARD
July 26, 1973

STATE OF ILLINOIS, DEPARTMENT OF)
CONSERVATION,)
)
Petitioner,)
)
vs.) PCB 73-202
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

Anthony Dean, Director for the Department of Conservation
Steven C. Bonaguidi, Assistant Attorney General for the EPA

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

Petitioner requests a variance from Rules 502 and 504(a)(4) of the Open Burning Regulations for the purpose of burning brush, timber and other landscape waste at the site of a proposed new lake. The lake is being created as a part of the new Shabbona Lake State Park. A 40 acre tract is being cleared of approximately 800 tons of landscape waste which will be burned on 27 days. The Department of Conservation states that the cost of using an air curtain destructor would be \$19,000. The Department states that this cost is prohibitive but plans to use a propeller type blower to induce complete combustion.

The 40 acre tract is located about 1 1/2 miles from Shabbona and Shabbona Grove, the closest municipalities. No burning will take place within 1,000 feet of residential areas.

The EPA has recommended that the variance be denied.

The identical issues were decided in City of Hillsboro vs. EPA, PCB 72-394. The material to be burned is landscape waste not trade waste. It is not located in a "prohibited area" where the open burning of landscape waste is barred under our Regulation. [See Rule 503(c)(4)] Therefore, no variance is required for the open burning of this landscape waste and the case will be dismissed as moot.

Care should be taken that the open burning of this landscape waste not injure human, plant or animal life, health or property, or unreasonably interfere with the enjoyment of life or property.

It is hereby ordered that the case be dismissed as moot.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 26th day of July, 1973 by a vote of 4 to 0.

A handwritten signature in cursive script, appearing to read "Christan L. Moffett", is written over a horizontal line.