



We feel that Petitioner has adequately discharged his responsibility to prove the need for a variance. We, therefore, concur with the recommendation of the Agency and grant the variance with an appropriate set of conditions as specified in the order.

In a letter dated March 15, 1972, Petitioner asks that the restriction on time of burning, 10:00 A.M. to 4:00 P.M., a condition of the permit, be changed to allow burning "from 7:00 A.M. to dusk on days that are most suitable for burning." We grant the variance on the basis of the time limit in the permit and shall ask the Agency to respond by April 20, 1972, to Petitioner's request for an extension of the hours per his letter of March 15, 1972.

The arguments presented by Petitioner and our disposition of the case suggest to us that we should examine the acceptability of burning wood product wastes with the aid of an air curtain destructor. In adopting Open Burning Regulations, R 70-11, we limited the use of the air curtain destructors to the burning of "landscape wastes." We now ask ourselves whether it is necessary or reasonable to make a distinction between basically the same materials--wood or lumber wastes and landscape wastes. We need to know the answer to three questions:

- What is the environmental damage from permitting the burning of wood product wastes in an air curtain destructor?
- Are there beneficial uses for wood wastes that have not been adequately explored?
- What are the problems of alternative methods of disposal, mainly in landfills? Is this an efficient use of a limited resource for disposal? Are there special problems in handling and compacting?

We shall ask the Agency and the Institute to study the matter and to propose a modification in R70-11 on which we can schedule hearings as soon as is feasible.

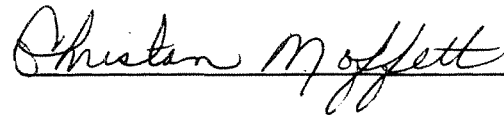
This opinion constitutes the Board's findings of fact and conclusions of law.

#### ORDER

1. Donald G. Nickel d/b/a Nickel Brothers Tree Service is hereby granted a variance from the Open Burning Regulations (R70-11) until March 28, 1973, in order to dispose of approximately 120 tons of waste building lumber by burning with an air curtain destructor at its disposal site in Winnebago County, Illinois.

2. Conditions 1 through 17 of the permit granted to Nickel by the Environmental Protection Agency on November 22, 1971, are hereby made a part of this order. Under condition No. 4., burning is limited to the hours of 10:00 A.M. to 4:00 P.M.
3. All waste building lumber that is burned shall be free of asphalt roofing.
4. Before operating, Nickel shall post a performance bond in the amount of \$20,000, in a form acceptable to the Agency, to be forfeited in the event Nickel fails to comply with any condition of this variance.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion and order this 28 day of March, 1972, by a vote of 5 to 0.

  
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