

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1972

F. D. DECKER d/b/a)
DECKER SAWMILL)
)
)
v.) # 71-73
)
)
ENVIRONMENTAL PROTECTION AGENCY)

Supplemental Opinion and Order of the Board (by Mr. Currie):

Our order of July 8, 1972 directed the petitioner to find a solution to open burning of sawmill wastes by March 1972. He now petitions for a revision of the order in light of new open burning regulations, #R 70-11, which permit open burning of certain wastes outside restricted areas until July, 1972 and the use of an air curtain destructor thereafter. The argument is made that Decker should be subject to the same rules as others similarly situated. And so he should. If his case fell within the new regulations, we would grant the motion. But it does not. For the allowance of open burning until July and of the air curtain destructor thereafter was based on extensive testimony as to the need for such burning to deal with landscape wastes, which are defined as trees and the like. Some of the bulk problems attributed to whole trees, as well as the argument respecting the spread of disease, are not so easily applied to sawdust or wood pieces left over after sawmill operations. The regulation is limited to landscape wastes, and all sawmill operators must still comply with the total ban on open burning.

Since the basis of the present motion is that the petitioner was being treated unlike others in the same situation, and since that premise is incorrect, we must and hereby do deny the motion. On the other hand, this action is without prejudice to the filing of a supplemental variance petition stating why it was not possible to comply with the initial order, which was based upon the petitioner's own program.

I, Chirstan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Supplemental Opinion and Order this 5 day of February by a vote of 5.

Chirstan Moffett