

ILLINOIS POLLUTION CONTROL BOARD  
April 10, 1975

CITY OF PLANO,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PCB 75-14
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

City of Plano filed its Petition for Variance requesting relief from the Open Burning Regulation in order to burn approximately 4 dump-truck loads of landscape waste per month. This petition is deemed to be a request for variance from Rule 502(a) of the Air Pollution Control Regulations and Section 9(c) of the Environmental Protection Act.

Landscape waste collected as part of Petitioner's municipal refuse collection operation is being deposited on city-owned land in the southeast part of Plano. The proposed burning site is adjacent to Petitioner's sewage treatment plant and is completely enclosed by a chain link fence with a locked gate. The nearest residence is located more than 1,000 feet to the southeast of the proposed burning site.

This petition is the third such request from the City of Plano to allow the open burning of landscape waste. In PCB 74-162 Plano's petition was denied because it failed to show a means of bringing the activity into compliance. No information was presented as to quantity of waste to be burned or quantity of contaminants that would be generated. In PCB 74-244 the Board denied Plano's second Petition for Variance for failure to provide information required by Rule 401 of the Board's Procedural Rules.

Petitioner now states that it has investigated the cost and feasibility of purchasing an air curtain destructor. Plano is willing to purchase and install an air curtain destructor if it can be used for a reasonable number of years as a method of compliance.

Petitioner claims that compliance with the Open Burning Regulations imposes an arbitrary and unreasonable hardship because it is impossible to collect landscape waste without disposing of it and burning is the only method available to the City. Petitioner promises to burn only when weather conditions are favorable and to restrict raw materials to landscape waste only. Prevailing westerly winds and land contour will allegedly result in the dispersion of smoke over non-populated rural areas.

The Agency believes Petitioner's compliance plan is ambiguous, since Plano wants assurance that an air curtain destructor will be approved for five years. Even if Plano is agreeable to the purchase and installation of an air curtain destructor, the Agency states that it is unable to evaluate the program without further information such as date of purchase and installation and size of fan.

Plano has expressed a willingness to purchase, install and properly operate an air curtain destructor costing \$10,000 - \$13,000. Despite the unacceptable conditions sought by Plano, the Board interprets such willingness to be a declaration of intent to bring this activity into compliance.

Emissions from the burning of landscape waste materials are not the most offensive type of pollution. The fact that no residences are located within 1,000 feet of the proposed open burning site coupled with Petitioner's promise to burn only when weather conditions are favorable should serve to minimize the effect of such emissions upon the residents of Plano.

A short term variance will be allowed subject to certain conditions which will bring the burning into compliance with the Regulations. This will permit Plano to dispose of landscape waste now being generated pending completion of its compliance plan and approval of such plan by the Agency. By limiting such burning to landscape waste now being generated, Petitioner will receive limited relief for its problem while plans to bring the activity into compliance are being finalized. Authorization to burn all landscape waste now at the site cannot be granted at this time since the Board has not been told the quantity of such accumulated waste.

It is not anticipated that the Board will grant any further variance beyond the date specified in the following ~~Order~~. Therefore, Petitioner should diligently pursue approval of its Compliance Plan now to insure that it does not face a similar problem in the future.

#### ORDER

It is the Order of the Pollution Control Board that City of Plano is granted variance from Rule 502(a) of the Air Pollution

Control Regulations and Section 9(c) of the Environmental Protection Act until July 31, 1975. This variance is subject to the following conditions:

1. Open burning shall be conducted only at the site specified in the Petition for Variance and only when atmospheric conditions will readily dissipate contaminants in a direction away from the main residential area.
2. Open burning shall be limited to landscape waste collected after the date of this Order as part of Petitioner's municipal refuse collection and shall not exceed 4 dump-truck loads per month.
3. Petitioner shall submit to the EPA a Compliance Plan for bringing its disposal of landscape waste into compliance with the Regulations. The plan shall provide for compliance no later than July 31, 1975.
4. Petitioner shall submit monthly progress reports to the Agency. Said progress reports shall commence on May 1, 1975 and shall provide details of Petitioner's progress towards compliance and data on the amount of materials burned, date and time of such burning, weather conditions during the burning period and any complaints received. The first report shall also contain a schedule for bringing the activity into compliance.
5. Petitioner shall apply for and obtain all necessary permits from the Agency.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 10<sup>th</sup> day of April, 1975 by a vote of 4 to 0.

Christan L. Moffett