ILLINOIS POLLUTION CONTROL BOARD

August 30, 1973

HARDWICK BROTHERS COMPANY,)
Petitioner,)
vs.) PCB 73-351
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

Petitioner has been retained by the United States Army Corp of Engineers to improve the channel of the north fork of the Saline River in Saline County and Hamilton County, Illinois. In the construction work it will be necessary to clear the timber and brush from a right-of-way 250 feet wide and 10 miles long. Petitioner requests a variance from our Open Burning Regulations for the purpose of burning the brush and timber to be cleared from this construction site.

The burning will take place on the right-of-way which is not located within 2 miles of any municipality. Population in the area is sparse, not exceeding 8 persons per square mile on the average.

Under our November 1972 Amendments to the Open Burning Regulation no variance is needed for the open burning of this landscape waste. We have previously held that landscape waste which is cleared from a construction zone may be burned in compliance with the Regulation if it is not located within a prohibited area. (Worthy Brothers vs. EPA, PCB 73-283; Nutty vs. EPA, PCB 73-249) The construction zone here is not located within a prohibited area. See: Chapter 2, Air Pollution, Part V, Open Burning, Rule 503(c)(4).

The petition was apparently filed in the belief that a variance is needed for the open burning. Since the matter is most the petition will be dismissed without prejudice. Care should be taken in the burning that all aspects of the Regulation be followed, i.e. the burning of the landscape waste shall be on the premises on which the waste is generated; when atmospheric conditions will readily dissipate the contaminants and if such

burning does not create a visibility hazard on roadways, railroad tracks or airfields. No material other than landscape waste shall be burned.

The petition is dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 301 day of 4, 1973 by a vote of 3 to 0.