

ILLINOIS POLLUTION CONTROL BOARD

February 27, 1973

VILLAGE OF MT. AUBURN)
)
 vs.) PCB 72-213
)
 ENVIRONMENTAL PROTECTION AGENCY)

Vernon Houchen, Attorney for Petitioner
Thomas J. Immel, Assistant Attorney General for the EPA

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

The village of Mt. Auburn requests a variance from Section 9(c) of the Environmental Protection Act and from Chapter 2, Part V of Pollution Control Board Rules and Regulations to allow open burning of leaves and paper by village residents for an indefinite period. Mt. Auburn has approximately 550 residents.

Subsequent to the filing of the petition we amended our Open Burning Regulations to allow the open burning of leaves and other landscape waste in most municipalities (including Mt. Auburn) under 2,500 in population. Under the Regulation now in effect the open burning of leaves is authorized in Mt. Auburn provided the burning takes place on the premises where the leaves are generated, does not create a visibility hazard and is conducted at a time when the atmospheric conditions will readily dissipate the contaminants. Since the Regulation has been amended to authorize such open burning in Mt. Auburn, Petitioner has no need for a variance to burn leaves. The Petition for Variance to burn leaves is therefore dismissed as moot.

The Village presented four witnesses in support of their Petition. A consideration of that evidence does not persuade us that Mt. Auburn has any unique problem in disposing of papers. A garbage and trash packer truck makes one pick up each week at each residence in the Village. This material is then taken seventeen miles to the Harristown landfill. For this service each householder pays \$2.50 per month to the Robert Ridgeway Disposal Service. It has been the practice for Mt. Auburn residents to burn their paper, but Mr. Ridgeway apparently does not have any limitation on the quantity of material he will collect. He does collect some paper at this time. It was estimated that collection costs would rise to \$7.50 per month per household if the disposal service had to collect both leaves and paper. It was not estimated what increase in cost there might be from adding paper alone to the pick up.

We fail to find any arbitrary or unreasonable hardship in Mt. Auburn's compliance with the Regulation. Many people in many municipalities are faced with similar costs. These costs do not seem excessive when weighed against the need for a cleaner environment. Mt. Auburn has proved that a method of compliance is readily available. We will expect Petitioner and the residents of Mt. Auburn to comply with the Open Burning Regulation in all respects.

ORDER

The Petition for Variance for open burning of leaves is dismissed as moot.

The Petition for Variance for open burning of papers is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 27th day of February, 1973 by a vote of 3 to 0.

Christan L. Moffett