

ILLINOIS POLLUTION CONTROL BOARD
May 17, 1972

)
)
F.D. DECKER d/b/a)
DECKER SAWMILL)
)
)
v.) PCB 72-75
)
)
ENVIRONMENTAL PROTECTION AGENCY)
)

Douglas Marti, Attorney for Decker Sawmill
William J. Scott, Illinois Attorney General, by Thomas J. Immel,
Assistant Attorney General, Attorney for the Environmental Protection
Agency

OPINION OF THE BOARD (by Mr. Dumelle)

This case is before us on a Supplemental Petition for Variance, filed March 1, 1972. The original Petition for Variance, filed April 12, 1971, requested that Decker Sawmill be allowed to open-burn wood slabs until March 1, 1972. On July 8, 1971, we entered an order granting the variance. One condition of that order was that Decker was thereafter to file with the Board and Agency an exact timetable for the moving of its premises and for the purchase and installation of its new chipper and debarker or of whatever other means it intended to achieve compliance with the Act and Regulations.

Pursuant thereto, on October 15, 1971, the Agency received Decker's written statement of intention that it would move its operations during February, 1972, and that if not completely moved by March 1, 1972, it would have enough of the operation moved by then so that it would "not be necessary to burn waste at the old site after March 1, 1972."

The instant Supplemental Petition for Variance, filed March 1, 1972, alleges that Decker has purchased another sawmill at the new location which has a chipper and debarker necessary to bring it into compliance with the law. It further alleges that Decker has stopped purchasing logs at the old location but still has a three to four month supply of logs on hand yet to be processed. Decker is requesting a supplemental variance to July 1, 1972, to allow it to process and open-burn that supply of logs at the old location.

If Decker knew as early as October 15, 1971, when it submitted its intention to the Agency, that it would have no need to open-burn any wood slabs after March 1, 1972, then it should have gauged its incoming supply of logs accordingly. The only apparent reason why Decker has an excess supply of logs presently on hand is because Decker itself made an erroneous decision as to its own purchase of inventory. Any hardship imposed upon Decker at this point would therefore be caused solely by its own error in judgment.

The Board cannot grant a supplemental variance under these circumstances.

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

ORDER

It is hereby ordered that the Supplemental Petition for Variance be and hereby is DENIED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 17 day of May, 1972 by a vote of 4-0.

Christan L. Moffett