

ILLINOIS POLLUTION CONTROL BOARD

August 23, 1973

CITY OF RUSHVILLE,)
)
 Petitioner,)
)
 vs.) PCB 73-233
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

City of Rushville filed its Petition for Variance on May 30, 1973 asking for relief from the Open Burning Regulations in order to dispose of landscape waste from about 150 acres of land being cleared for a flood control structure and water shed project in Schuyler County, Illinois.

Petitioner advises that open burning will not take place within 1,320 feet of any residential or populated area or within two miles of any municipality having a population of 1,000 or more persons. The plan is to burn the landscape waste from August through October 197 in accordance with the limitations of Rule 503(c) of the Open Burning Regulations. Petitioner has indicated that all remaining residue after burning will be buried.

The Agency did not file a Recommendation on this matter.

We believe the petition can be dismissed as moot under the interpretation announced in City of Hillsboro vs. EPA (PCB 72-394). No need for a variance has been shown. Petitioner may burn the landscape waste provided that such burning is in compliance with the Regulation.

ORDER

It is ordered that Petitioner's request for variance be dismissed as moot.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 23rd day of August, 1973 by a vote of 3 to 0.

Christan L. Moffett