

ILLINOIS POLLUTION CONTROL BOARD
January 17, 1974

VILLAGE OF ASHLAND)
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)
 v.) PCB 73-426
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)
 ENVIRONMENTAL PROTECTION AGENCY)
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MR. GARY L. SUDETH, appeared on behalf of the Village of Ashland
MR. DELBERT HASCHEMEYER, ASSISTANT ATTORNEY GENERAL, appeared on
behalf of the Environmental Protection Agency

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

The Village of Ashland ("Ashland") filed a Petition for a Variance on October 5, 1973 to allow the Village to open burn landscape waste. On October 11, 1973 the Board ordered Ashland to amend its variance petition within 35 days detailing the costs involved to rent or purchase an air curtain destructor, the cost to use an approved sanitary landfill, and the cost to use a chipper (Village of Ashland v. EPA, PCB 73-426). The Environmental Protection Agency ("Agency") filed a Recommendation to grant the variance subject to certain conditions on November 16, 1973. On December 13, 1973 Ashland filed a Motion for Reconsideration citing the Agency's Recommendation to grant the variance. The Board, on January 3, 1974, granted Ashland's Motion and docketed the variance petition for decision. Ashland has waived the 90-day decision period. Ashland is a Village of 1,100 people and is located in Cass County, Illinois. Ashland requests a variance from Section 9c of the Environmental Protection Act ("Act") and Rule 502 of Chapter 2 Part 5 of the Regulations of the Pollution Control Board (Air Regulations). Ashland requests this variance to allow it to dispose, by open burning, of landscape waste accumulated by Ashland from residences and streets as a result of ice storms in the winter of 1972-73. Ashland is prohibited from disposing of landscape waste because the wastes were not generated on Petitioner's premises as required by Rule 503 (c)(1) of the Air Regulations. Ashland seeks to burn approximately 900 cubic yards of landscape waste consisting of trees and tree limbs.

The Agency calculates that Ashland's Variance Petition is to burn approximately 149 tons of waste. The Agency states that an air curtain destructor would cost approximately \$6,400. The nearest landfill is approximately 30 miles from Ashland. Ashland

collected and hauled the landscape waste to the east edge of town where it has stockpiled the material in a location that is not adjacent to any residence. According to the Agency, a chipper would be suitable for the small material but not for the larger logs.

The Board finds that to require Ashland to purchase an air curtain destructor or haul the material to the nearest landfill would work an arbitrary and unreasonable hardship on the Village of Ashland when compared to the amount of environmental damage to occur from the one time event.

The above Opinion constitutes the Board's findings of facts and conclusions of law.

Mr. Seaman dissents.

ORDER

The Illinois Pollution Control Board hereby grants the Village of Ashland a variance until April 17, 1974 to allow the open burning of landscape waste specified in Ashland's Variance Petition subject to the following conditions:

1. The Village of Ashland shall open burn the landscape waste only when the wind is from the northeast or northwest and when the wind speed is between 5 and 25 miles per hour;
2. The Village of Ashland shall notify: Illinois Environmental Protection Agency, Region III Office, 4500 South Sixth Street, Springfield, Illinois 62706 (telephone 217/786-6892) when such open burning is to be conducted;
3. The Village of Ashland shall comply with each of the 17 applicable conditions contained in Standard Conditions, attached to the Variance Petition as Exhibit 8, when conducting the open burning.

IT IS SO ORDERED.

Mr. Seaman dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of January, 1974 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board