

ILLINOIS POLLUTION CONTROL BOARD

August 8, 1974

CITY OF PLANO,)
)
 Petitioner,)
)
 vs.) PCB 74-162
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

City of Plano filed its Petition for Variance seeking relief from the Open Burning Regulations for the open burning of an accumulation of landscape waste. The Board determined this Petition to be inadequate and ordered City of Plano to submit additional information on the exact site of the proposed burning, location of nearest residences, reasons for not renting or purchasing an air curtain destructor and reasons for not disposing of the landscape waste by landfill or chipping. Petitioner's response was timely filed but still inadequate.

Petitioner collects landscape waste as part of its municipal refuse collection operation at the rate of about four dump-truck loads per month. Prior to adoption of the Open Burning Regulations, Petitioner disposed of these wastes by periodic open burning. Since adoption of the Open Burning Regulations Petitioner has allowed the landscape waste to accumulate on property owned by the City. The proposed burning site is located in the southeast part of Plano adjacent to a sewage treatment plant. There are residences located about 500 feet to the north and southeast of the proposed burning site.

No information is presented as to how much material Petitioner intends to burn nor are we provided with any estimates of the quantity of contaminants that will be generated by the burning. If Petitioner has allowed the landscape waste materials to accumulate since the adoption of the Open Burning Regulation as the Agency claims, the site could have accumulated as much as 136 dump-truck loads. However, the Agency estimates that the site now has "over 20" truckloads of landscape waste. It would seem that either the Agency estimate is extremely low or Petitioner has disposed of about 116 truckloads of the landscape waste by some other method.

Petitioner estimates the purchase cost of an air curtain destructor to be about \$10,000. Funds for purchase of the device have not been appropriated by the City. Petitioner states that the air curtain destructor "cannot be rented". Since burning of the waste would occur only about once per month, Petitioner believes the purchase of an air curtain destructor would be an excessive and unwise investment of the taxpayer's money.

Board Procedural Rule 401(a)(vii) and (a)(viii) require Petitioner to provide the Board with a time schedule for bringing the activity into compliance and a detailed description of the proposed compliance program. Petitioner did not submit this information and also failed to indicate for what length of time the variance would be required.

Petitioner states that it has instructed its City Manager to prepare an application for a landfill operation, but that this variance is needed for the interim period preceding issuance of any permit. The Agency states that it has not yet received any application for a landfill permit from Petitioner. Obviously the City of Plano must be disposing of other municipal waste at some location. We are not told why the landscape waste Petitioner now wants to burn cannot be reduced by a chipper and disposed of at the landfill.

The Board must deny this variance because the information presented is simply too vague. Petitioner was provided an opportunity to supplement its original variance with required information and failed to do so. It would appear Petitioner seeks to burn the collected landscape waste once each month ad infinitum under protection of a variance with no plans to ever bring the activity into compliance. This we cannot authorize.

ORDER

It is the Order of the Pollution Control Board that the request for variance by the City of Plano to open burn landscape waste is hereby denied without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 8th day of August 1974 by a vote of 4 to 0.

Christan L. Moffett