

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1972

CITY OF NORTH CHICAGO)
)
) #72-398
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

This opinion is in support of Order entered by the Board on October 31, 1972 granting a variance to petitioner. Petition for variance was filed by the City of North Chicago on October 6, 1972 requesting a variance to permit the open burning of landscape waste created by a recent tornado. In our preliminary opinion of October 10 1972, 5 PCB , we permitted petitioner to file supplementary information by October 31, 1972 as to "...why it was not practicable to utilize an air curtain destructor or similar device, as required by the regulations..."

Petitioner alleges and the Agency confirms in its Recommendation that a large number of trees (700) were felled and destroyed by the tornado. Petitioner has provided for disposal of the stumps and the logs but the considerable volume of branches remains to be disposed. The original petition stated that petitioner had been using "chippers" since the day of the disaster to reduce the amount of debris. Petitioner has continued this procedure during the pendency of its petition but has encountered problems with disposal of mud-caked trees and branches similar to those encountered by petitioner in City of Galena v. Environmental Protection Agency, #72-122, 4 PCB 1 and 5 PCB (September 6, 1972).

Petitioner has filed supplementary information detailing its attempts to purchase or rent an air curtain destructor or similar device. Petitioner states that a rental air curtain destructor would not be available for at least four weeks and a purchase could not be completed short of seven weeks. We find that petitioner's efforts have been diligent. It is estimated that six to eight weeks will be necessary to destroy the remaining waste, using methods presently employed. The waste allegedly poses a fire hazard and is a haven for rodents. The Agency has recommended granting the petition subject to certain conditions in which recommendation we concur. The likely danger to the community in suspending disposal of the refuse outweighs the possible impact on the community if the open burning is permitted, particularly if subject to the conditions we impose in granting this variance.

Petitioner estimates that less than five burning days will be necessary to dispose of the waste. We allow petitioner 30 days from the date of the Order to dispose of the waste. Petitioner shall be responsible for providing adequate fire protection equipment and all burning shall be under the supervision of a City employee. The burning shall take place only between the hours of 11:00 A. M. and 4:00 P. M.; and only when a wind of between 5 and 20 m.p.h. is blowing, and the sky is not overcast. There shall be no burning when a pollution watch alert or warning is in effect. The Agency shall inspect and approve the location within petitioner's landfill where petitioner shall conduct the burning and petitioner shall use no fuel of lesser quality than a No. 2 fuel oil. The ashes shall be deposited daily in the landfill.

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

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion was adopted on the 8th day of December, A. D. 1972, by a vote of 2 to 1.

Christan Moffett