

ILLINOIS POLLUTION CONTROL BOARD

September 26, 1973

N. E. FINCH COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 73-214  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

Edward F. Sutkowski, Attorney for Petitioner  
Larry R. Eaton, Assistant Attorney General for the EPA

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

Petitioner N. E. Finch Company is a general contractor engaged in land clearing operations for the construction of a power generating station in Fulton County, Illinois. Finch filed application with the Environmental Protection Agency requesting a permit to open burn landscape waste, with combustion to be aided by mobile blowers. The Agency denied the permit on the ground that the mobile blowers were not comparable to an air curtain destructor and that Petitioner therefore did not comply with Paragraph 504(a)(4) of Chapter 2, Air Pollution Part V, Open Burning of the Pollution Control Board Rules and Regulations. The Company filed Notice of Appeal from the permit denial.

The Agency now moves to dismiss the Appeal stating that the open burning can take place in conformity with the Regulations and without the need of a permit. Petitioner concurs in a dismissal of the Appeal as moot.

The record indicates that the burning will not take place in an area which is listed as a "prohibited area" under Paragraph 503(c)(4) of the Open Burning Regulations. One person resides about 3 miles from the location of the burning and all others live at least 5 miles away. Petitioner states that the open burning will take place in conformity with Rule 503(c) of the Open Burning Regulations.

We agree with the parties that a permit is not needed and the matter is moot. The appeal should be dismissed for that reason.

It is ordered that the appeal 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 26<sup>th</sup> day of September, 1973 by a vote of 5 to 0.

Christan L. Moffett