

ILLINOIS POLLUTION CONTROL BOARD

July 26, 1973

WORTHY BROTHERS PIPELINE CO.,            )  
  )  
  Petitioners,            )  
  )  
  vs.                        )     PCB 73-283  
  )  
ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
  Respondent.            )

ORDER

(by Mr. Henss)

Petitioner seeks a variance from the Open Burning Regulations for the purpose of burning brush and other wooded material cleared from the land in a construction project. The project is for the installation of a 46 mile long pipeline from the west bank of the Ohio River to a point approximately 1 mile south of Lick Creek, Illinois. The 45 foot right-of-way is located in rural country and does not come within 1 mile of any municipality. About 73 acres of woods and brush are scattered along the 46 miles of right-of-way. Petitioner states that the cost of burning this material with an air curtain destructor would be prohibitive.

We have previously decided that natural vegetation being cleared from the land is landscape waste and is not trade waste. City of Hillsboro vs. EPA, PCB 72-394; Department of Conservation vs. EPA, PCB 73-202. The open burning of landscape waste is prohibited in certain areas of the State under Rule 503(c)(4) of our Open Burning Regulations. The landscape waste which is involved in this case is not within a prohibited area. Therefore, the landscape waste may be burned without a variance and the case will be dismissed as moot. The burning should be conducted with care to avoid injury to human, plant or animal life, to health or to property or the unreasonable interference with the enjoyment of life or property.

The variance petition is hereby dismissed as moot.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 26<sup>th</sup> day of July, 1973 by a vote of 7 to 5.

Christan L. Moffett