ILLINOIS POLLUTION CONTROL BOARD
June 26, 1975

CITY OF GALENA,   )
)
            Petitioner,   )
)
    vs.   )   PCB 75-138
)
ENVIRONMENTAL PROTECTION AGENCY,   )
)
            Respondent.   )

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

    Petitioner, City of Galena, requests variance from
Rule 502(a) of the Air Pollution Control Regulations and
Section 9(c) of the Environmental Protection Act from June
through September 1975 in order to open burn approximately
500 diseased elm trees which are now standing on various
private residential lots throughout the City. The topography
of the City is unusual in the State of Illinois in that many
steep hills exist. The land has been terraced in order to
develop residential properties. Most of the yards have
retaining walls of native stone and many are slopes of 45°
or more.

    The City proposes to cut down the diseased elm trees
which are located on 250 - 300 private lots. The burning
would occur on the lots where the trees are located. Members
of the volunteer fire department would supervise the tree
burning by informing area residents prior to the actual
burning and by monitoring the burn.

    The common alternatives to open burning of landscape
wastes include chipping, use of an air curtain destructor and
the burying of the waste. Galena claims that these alternatives
are not acceptable because of the terrain. The steep slopes
and old retaining walls make it impossible to get removal
equipment into most areas; the sawn logs cannot be dragged by
cable without destroying the retaining walls. There are no
cranes available which have a reach sufficient to lift logs
out and even if those cranes did exist the cost, according
to Petitioner, would be exorbitant.

The City failed to give concise cost estimates but did furnish the statement of J & J Tree and Landscape Service, Dubuque, Iowa. The tree service company said that it did not know how to arrive at a price to remove these trees from the hillside locations. Under the conditions that exist the company refused to quote a price per tree but was willing to furnish three men and equipment to top and drop trees and stack for burning at the rate of $35.00/hour. According to J & J Tree and Landscape Service the dead trees could not be chipped since only live wood can be put through a chipping machine. The tree service company stated that the cost of cutting the trees into pieces that could be carried to the street is "completely prohibitive".

The Environmental Protection Agency has recommended that the variance be denied. The Agency notes that most of the elms in the community have already been stricken by Dutch Elm disease and the disposal of the trees is not necessary to prevent the further spread of that disease. The Agency belives that Galena has failed to prove that the usual alternatives to open burning are completely unworkable.

Galena's mayor states the need for tree removal as follows:

"These trees become more dangerous each day. Not only from the danger of snapping off in the wind, but also the danger of fire as called to our attention by an 11 year old boy whose letter I enclose along with my reply. Galena has adopted as their main theme for Bi-Centennial '76 'the beautification of our community'. These dead elms in their stark desolation destroy the beauty of our hillsides and the charm of our community. They must be removed, but we can only do so in the manner stated, that is, saw and burn in place."

Although the City of Galena has not furnished us with a great deal of information we believe from the record that it would be unreasonable to require the City to bury the dead elm trees. We have no doubt that the problems of removal from the hillsides, transport to a remote site and then burial of such a quantity of landscape waste would make that method quite unreasonable. The record also indicates that chipping is not an alternative for the dead wood. Burning seems the most reasonable alternative. We are inclined to allow the variance for the open burning of those dead elm trees which cannot be disposed of through the use of an air curtain destructor. However, we believe that an air curtain destructor could probably

be used in some parts of the City and wish to require the use
of that device where feasible. Unfortunately the record does
not contain sufficient information regarding the feasibility
of using an air curtain destructor. Without a better record
we are unable to phrase in our Order appropriate language for
requiring the use of an air curtain destructor in specific
parts of the City or in rural areas nearby.

On April 4, 1975 we entered an Order requiring Petitioner
to submit additional information. We specifically stated that
the City of Galena should explain why an air curtain destructor
could not be used to burn the landscape waste. The additional
information which we received did not adequately address that
question. Therefore, we are compelled to dismiss this petition
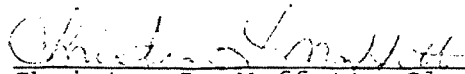without prejudice.

In the event the City of Galena can develop a specific plan
for use of an air curtain destructor in the disposal of a part
of the landscape waste then we would be inclined to grant the
variance, conditioning the variance upon appropriate use of
the air curtain destructor. The plan should detail which areas
will be burned with an air curtain destructor and describe
location, along with appropriate burning conditions, for the
open burning of the landscape waste which cannot be destroyed in
the air curtain destructor. If such a plan can be developed we
will be willing to reconsider our decision upon appropriate
motion being made within 35 days of this Order. After that time
a new variance petition would be necessary.

This Opinion constitutes the findings of fact and con-
clusions of law of the Illinois Pollution Control Board.

ORDER

It is the Order of the Pollution Control Board that the
Petition for Variance be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control
Board, hereby certify the above Opinion and Order were adopted
the _____ day of _____, 1975 by a vote of _____ .

Christan L. Moffett, Clerk
Illinois Pollution Control Board