

function--the construction of a reservoir. It is argued that landscape waste which is also trade waste cannot be burned without a variance.

It is not trade waste. In City of Freeport vs. EPA (PCB 72-487) we rejected the EPA argument that logs accumulated by the City of Freeport in its effort to prevent a flood constituted trade waste. We said "Our previous decisions should have made it abundantly clear that the Board does not consider landscape waste accumulated on government property to be trade waste".

The brush, twigs, leaves, stumps, logs and branches which are located at the reservoir site were never used in a trade or occupation. Petitioner did not operate a sawmill at the site and is not asking us for permission to burn off the accumulated residue of that trade. The City of Hillsboro stands in exactly the same position as any other property owner who wishes to clear his property for a construction project.

This entire case has been predicated on the incorrect premise that Petitioner would require a variance for the open burning of the landscape waste at its reservoir site. Such burning may take place in compliance with the Regulation. No variance is required and the case is dismissed as moot.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 17th day of July, 1973 by a vote of 7 to 0.