ILLINOIS POLLUTION CONTROL BOARD

February 14, 1973

U.S. DEPARTMENT OF AG SHAWNEE NATIONAL FORES			
Pe	etitioner,)		
VS.)	PCB	72-426
ENVIRONMENTAL PROTECTI	ON AGENCY,)		
Re	espondent.)		

Jerry Clutts for the Petitioner Thomas J. Immel, Assistant Attorney General fot the EPA

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

Shawnee National Forest, an agency of the U. S. Forest Service, U. S. Department of Agriculture, controls an area of some 240,000 acres throughout a ten county area of southern Illinois. The area is used by the public for recreational activities and is also used for the sale of timber. Shawnee occasionally acquires tracts of land which contain buildings in disrepair and routinely contracts for the salvage and demolition of these structures. Following our adoption of Open Burning Regulations Shawnee prohibited the open burning of these buildings. This resulted in a lack of bidding for the buildings, because the value of the salvageable material was not sufficient to offset the cost of disposal of the remaining refuse.

Shawnee National Forest has, therefore, requested a variance from Section 502 of Chapter 2 of the Regulations of the Pollution Control Board so that Shawnee may conduct open burning to dispose of 15 structures spread out over a five county area of the forest. The Illinois Environmental Protection Agency has recommended that the variance be denied.

Evidence established that the 15 buildings in question were old, dilapidated houses, garages and outhouses at about 12 locations. The buildings are located in a very sparsely settled part of our State and some are so remote that they may be reached only by dirt paths. The U. S. Forest Service in the past has burned similar structures under its routine procedures. The burning is conducted during winter months when there is a

minimal danger of fire spreading to the surrounding area and the burning takes place only under atmospheric conditions which will facilitate dispersion of the emissions. A fire control technician with fire fighting equipment is present during the burning. The U. S. Forest Service is recognized as a fire fighting agency and is equipped with a 4-wheel drive vehicle carrying 250 gallons of water and a small high pressure pump along with various other hand tools, back-pack water pumps and other fire fighting equipment. Debris remaining after the fire is placed under ground and it is not too long before the area is covered with natural vegetation.

The U. S. Forester who testified in favor of the variance said that budgetary problems would prevent the removal of the buildings for as much as two years if the buildings could not be burned. Removal of the material to a landfill or use of an air curtain destructor at the site would involve the moving of heavy equipment over the trails and through streams causing damage to the forest ecology. An air curtain destructor could only be moved into some of the areas during a time when the trails were dry—the time of the year when there is an increased danger of forest fires.

The testimony indicated that unauthorized persons occupy these abandoned buildings causing a drug problem and increased pollution from their poor sanitation habits. This unauthorized occupancy also creates a fire hazard.

We see no reason to deny this variance. The structures are relatively small and the fire ordinarily consumes them within the period of one hour. Emissions from this type of fire in a very sparsely settled part of the State do not seem particularly alarming. To deny the variance will simply result in a different type of ecological problem—the pollution and health problems caused by unauthorized occupants, the damage to natural trails and streams.

Section 504 of our Open Burning Regulation provides "the Environmental Protection Agency may grant permits for open burning for...management in prairie or forest ecology". It has been suggested that under Section 504 the EPA has authority to grant a permit to a governmental agency for such burning of refere. We do not decide that issue here. There may be a proceeding to amend the Open Burning Regulations within the near future and the issue will be appropriately raised in any such proceeding.

ORDER

It is ordered that the Petition for Variance be granted for the period of one year from the date of this Order upon condition that Petitioner exercise all precaution to reduce the hazard of forest or prairie fire and to conduct the open burning at a time when atmospheric conditions will facilitate the rapid dispersion of the emissions.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this /// day of February, 1973 by a vote of 3 to ____.

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