

ILLINOIS POLLUTION CONTROL BOARD
November 14, 1972

VILLAGE OF BENSENVILLE)
)
 v.) PCB 72-305
)
 ENVIRONMENTAL PROTECTION AGENCY)

Village of Bensenville, pro se;
Stephen C. Bonaguidi, Assistant Attorney General, for the
Environmental Protection Agency;

OPINION OF THE BOARD (by Mr. Parker):

Petitioner, the Village of Bensenville, requests a variance from Section 9 (c) of the Environmental Protection Act and from Rule 502 of the Air Pollution Control Regulations to permit open burning of approximately 600 cubic yards of landscape waste generated by a storm which occurred on July 14, 1972.

The waste apparently was collected by the Village and deposited at the location of the proposed open burning. This site is within Petitioner's corporate limits, approximately 400 feet from the closest business buildings, 3/4 of a mile from the closest residence, and 1-1/2 miles from the business center of the Village (R. 5). Fire control would be provided by the Village Fire Department (R. 5), but control of gaseous and particulate emissions would not (R. 5). The fire would be expected to burn for roughly four hours and smolder an additional three to four hours (R. 5).

Petitioner alleges that its hardships are excessive cost and near impossibility of other means of disposal. In support of financial hardship, Petitioner points to a contract offer it has received of \$5,850 to dispose of the waste using an air curtain destructor (Exhibit 3). The contract does not specify whether the price is for purchase or rental, although the testimony (R. 3) hints that rental is contemplated. The Village President testified that the Village has no contingency fund for an air curtain destructor, and that "it would hurt our program over all if we took the money from street contingency fund" (R. 4). This testimony, rather than proving that the money is unavailable, implies that it is in fact available but in a different account. There is no evidence that transferring the money from one account to another cannot be done or would impose any hardship.

Even if the \$5,850 were too costly for the Village, and we do not believe it is, alternatives were not adequately considered. Only one local businessman was contacted regarding an air curtain destructor (R. 2), even though the Village of Lombard, only six to eight miles from Petitioner, has one (R. 3), as does the Cook County Forest Preserve (R. 2-3). Hauling the waste to a landfill site was rejected because of the time involved in loading the trucks (R. 4). The cost of burying the debris was not investigated by Petitioner (R. 3).

The Village is in an area where the ambient air quality is poor. For the year 1971, the particulate level in Bensenville was more than twice the federal level (R. 7). The environmental impact of open burning 600 cubic yards of landscape waste is significant. The Agency witness testified that using applicable emission factors from United States Environmental Protection Agency Publication AP 42, 600 cubic yards of landscape waste, if open burned, would yield 825 pounds of particulate emissions, 4,850 pounds of carbon monoxide, 970 pounds of hydrocarbons, and 97 pounds of oxides of nitrogen (R. 7, 9). Related to the fire's probable effect on ambient air quality is the Village Pollution Control Officer's testimony that 90% of the particulates emitted from the fire would still be airborne 1/2 mile from the burning sites (R. 10). There was no evidence that these emissions would not have an adverse effect on ambient air quality. Use of an air curtain destructor could reduce particulate emission by as much as 90% (R. 8).

Petitioner's allegations and proof do not support a finding that compliance with the Regulations would create an unreasonable or arbitrary hardship. Accordingly, the Petition for variance is denied.

This opinion constitutes the findings of fact and conclusions of law of the Board.

I, Christian D. Moffett, Clerk of the Pollution Control Board, certify that the above opinion was adopted by the Board on the 17th day of December, 1972, by a vote of 3 to 0.