

PLAINTIFF'S
EXHIBIT
WRG-623a

TOM KEAR

and McDougall



ZONOLITE DIVISION
W. R. GRACE & CO.

2120247

Illinois Pollution Control Board
Meeting October 6 & 15, 1971

10/20/71

Reply Message

MESSAGE

Asbestos Regulations Control Of Spray Insulation R71-16

Location: Oct. 6, 1971 Granite City Courthouse Granite City Ill. 9:30A.M.

Oct. 15, 1971 Field Museum Roosevelt Road & South Lake Shore
Drive Chgo. Ill. 10:00 A.M.

From these meetings will come an ordinance banning spraying of asbestos
containing fire protection in the State of Ill. Suggest we get
on the agendas to deliver our views or at least have an observer at
REPLY each meeting to check out the contents of our competitors.

Bill Burke

Don't tip off your competitors to these meetings as he is liable to
pass them up and only our story of N.K. 4 will be heard.

Office of the Ill. P.C.B. is 189 W. Madison (Spencer's Building)
Suite 900 312-793-3620 Chgo. Ill. 60602

SIGNED

SEND WHITE AND PINK COPIES WITH CARBONS INTACT. PINK COPY IS RETURNED WITH REPLY.

10-11-71 4-681 EPC

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DETACH AND FILE



STATE OF ILLINOIS
POLLUTION CONTROL BOARD

100 NORTH LAUREL STREET, SUITE 900
CHICAGO, ILLINOIS 60602

MINUTES
September 13, 1971

POLLUTION BOARD ADOPTS NEW OPEN BURNING REGULATIONS

At its September 2 meeting in Freeport, the Illinois Pollution Control Board adopted strong, new regulations to greatly restrict open burning in the state (attached).

The new regulations prohibit the burning of leaves, trees, grass, shrubbery and other landscape waste within the boundaries of any Illinois municipality. This restriction extends to one mile beyond the boundaries of any municipality having a population of 1,000 or more according to the latest federal census.

The new regulations also charge local governments to aid the Environmental Protection Agency in enforcement of the prohibitions.

Some exemptions from the new regulations are:

- The setting of fires to combat or limit existing fires;
- The burning of fuels for legitimate campfire, recreational, domestic fireplace and cooking purposes;
- The burning of waste gases, provided that anti-pollution devices are used in conjunction with such burning;
- Small open flames for heating tar, welding, acetylene torches, highway safety flares, and the like.

In the written opinion of the Board, Chairman David P. Currie commented on several aspects of the new regulations. With regard to leaf-burning, Currie said:

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The Board noted that these cases are all requests for variances to permit open burning either for the destruction of dead and diseased flocks for training in firefighting techniques or for the testing of incinerators, experimental incinerators and the like. The Board remitted the petitioners to the permit procedure established under the new regulation.

WASTE TREATMENT FEASIBILITY STUDIES AVAILABLE

Feasibility reports on Waste Treatment are available at \$5 a copy, plus postage, upon request from the Clerk's Office. These studies are state-of-the-art surveys of waste treatment literature. They cover 22 substances and present pertinent information on existing methods of treatment, levels of treatment attainable, and costs associated with those methods and levels of treatment.

PROPOSED AMENDMENTS TO PROCEDURAL RULES

At the September 2 meeting, the Board authorized the publication of proposed amendments to its procedural rules (attached).

In proposing the amendments, the Board explained that hearing individual pollution cases are expensive and unnecessarily time-consuming. Despite an increase in the Board's budget, it has already incurred expenses for transcripts far in excess of those the budget can bear over the entire year.

Considering this situation, the Board deemed it appropriate that some of the cost of a proceeding be borne by the party seeking relief from the law. The Board proposed to place the cost of the transcript on the petitioner for a variance or applicant for a permit. A clause was also proposed permitting the Board to absorb the cost in cases of financial hardship.

The Board also noted that in a number of recent cases, the hearings have been unnecessarily protracted, with excessive time spent in proving facts not substantially in dispute. To remedy this situation, the Board proposed adopting the equivalent of Supreme Court Rules 216 and 219, which require a party to pay the cost of proving any fact he unreasonably refused to stipulate.

Public comments are invited on these amendments and will be accepted until October 1, 1971, with final action expected shortly thereafter.

OTHER ACTION

In PCB 70-21, Commonwealth Edison Company (Dresden Unit 3), the Board denied a petition for a hearing involving a review of certain aspects of the hardware installation at the Dresden Unit 3 nuclear electric generating facility located in Goose Lake Township, Grundy County, Illinois.

In PCB 71-76, EPA v. City of East St. Louis, the Board denied a petition for a hearing by the City which wished to demonstrate its compliance with a previous Board order. The Board commended the City and noted that a hearing was not necessary since there was nothing for the Board to decide.

In PCB 71-87, EPA v. Claremont Hills Water & Sewer Co., the Board ordered Claremont to pay a penalty of \$1,000 on or before October 1, 1971. Claremont had been charged with constructing and operating a well supplying 40 homes with water without acquiring the permit required by the Environmental Protection Act. The Board also ordered Claremont to furnish the EPA with whatever supplementary data related to the water supply facility that the Agency may request, and to make modifications to the facility as directed by the Agency.

In PCB 71-150, Effingham Equity v. EPA, the Board denied a variance to Effingham Equity to extend a compliance date to September 1, 1972. The original compliance date, set by the Air Pollution Control Board, was April 30, 1971. The present Board ruled that Effingham had had more than enough time to install and test scrubbers in order to control particulate matter emitted at its fertilizer plant.

In PCB 71-204, George E. Hoffman & Sons, Inc. v. EPA, the Board dismissed a petition for variance that had been previously filed by the Hoffman firm, after the firm submitted evidence that control equipment had been installed on a portable asphalt plant, obviating the need for further action by the Board.

In PCB 71-190, Park Manor Nursing Home, Inc. v. EPA, the Board granted a variance to the petitioner to connect its nursing home facility to sewer lines of the North Shore Sanitary District. Mr. Currie dissented.

In PCB 71-131, Willow Creek Drainage District v. EPA, the Board granted a variance allowing the petitioner to carry on open burning of landscape waste which has contributed to flooding in the area. The variance was granted subject to conditions and for reasons to be stated in an opinion to be adopted in the near future.

In PCB 71-149, Carrie F. Andracki et al v. EPA, the Board denied a variance for connection of a proposed new dwelling to the North Shore Sanitary District. The Board noted that no construction had begun and no substantial hardship would be caused.

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NEW CASES FILED AND HEARINGS AUTHORIZED

On September 7, the Board considered the following new cases:

PCB 71-240, EPA v. Jack & Dwight's Mulay Auto Salvage and Sales
Enforcement action alleging open burning of refuse and salvage
operations by open burning in East Chicago, Indiana. A hearing is mandatory.

PCB 71-241, EPA v. City of Chicago Heights
Enforcement action alleging various acts of air, land and
water pollution. A hearing is mandatory.

PCB 71-242, Chicago Vitreous Corporation
Petitioner seeks a variance while installing high energy
scrubber on smelters at its Cicero plant. No hearing was authorized.

PCB 71-242, B.R. Winemiller Tree Service
Open burning variance request dismissed under new regulations.

PCB 71-243, EPA v. Harry A. Carlson
Enforcement action alleging various acts of air, land and
water pollution at refuse disposal site in southwestern Cook County.
A hearing is mandatory.

PCB 71-244, Bath, Inc., John L. Walker & John H. Walker
Petitioner seeks a variance to continue a landfill operation
near Decatur. No hearing authorized.

PCB 71-245, Orin Corporation
Open burning variance request dismissed under new regulations.

PCB 71-246, EPA v. Yetter Oil Company
Enforcement action alleging various acts of water pollution in
Troublesome Creek near Colmar, Illinois. A hearing is mandatory.

PCB 71-247, School Building Commission of State of Illinois
Petitioner seeks a variance for a sewer tap for a new freshman
classroom building in the Village of Flossmoor. A hearing was authori-
zed.

PCB 71-248, EPA v. Sterling Alloy Casting Corporation
Enforcement action alleging air pollution at a foundry in Rock
Falls. A hearing is mandatory.

PCB 71-249, Owens-Illinois, Inc.
Open burning variance request dismissed under new regulations.

PCB 71-250, Witco Chemical Corporation
Petitioner seeks a variance to continue with original construc-
tion schedule of anti-pollution devices at Lawrenceville plant granted
by old Air Pollution Control Board. A hearing was granted.

- PCB 71-251, City of Mendota
Open burning variance request dismissed under new regulations.
- PCB 71-252, Forest Preserve District of Cook County
Open burning variance request dismissed under new regulations.
- PCB 71-253, Mrs. Susan Pena (NSSD)
Petitioner seeks a variance for a sewer connection in the North Shore Sanitary District. A hearing was authorized.
- PCB 71-254, Youth for Environmental Salvation v. Chicago, Milwaukee, St. Paul & Pacific Railroad Company
Citizen complaint alleging various acts of air pollution by freight engines in Deerfield. A hearing was authorized.
- PCB 71-255, Youth for Environmental Salvation v. Crane Fulview Glass Door Co.
Citizen complaint alleging various acts of air and water pollution in Deerfield. A hearing was authorized.
- PCB 71-256, City of Olney
Open burning variance request dismissed under new regulations.
- PCB 71-257, EPA v. Mrs. Hilliard White
Enforcement action alleging open dumping of refuse in a sanitary landfill near Fairfield. A hearing is mandatory.
- PCB 71-258, EPA v. Town of Hutsonville
Enforcement action alleging open burning and open dumping of garbage near Hutsonville. A hearing is mandatory.
- PCB 71-259, EPA v. City of Monmouth
Enforcement action alleging air pollution from a sewage lagoon in Monmouth. A hearing is mandatory.
- PCB 71-260, G.L. Miller Motor Sales, Inc. (NSSD)
Petitioner seeks a variance for a sewer connection to the North Shore Sanitary District. No hearing was authorized pending receipt of further evidence from the petitioner.
- PCB 71-261, 262, 263, 264, Central Illinois Public Service Company
Petitioner seeks variances to operate boilers at Coffeen, Hutsonville, Meredosia and Grand Tower. Hearings were authorized.
- PCB 71-265, Minerva Oil Company
Petitioner seeks variance to permit the installation of a dust collector in a mine near Cave In Rock. A hearing was authorized.

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ILLINOIS POLLUTION CONTROL BOARD

It is hereby given that the Illinois Pollution Control Board has scheduled the following hearings in addition to those previously announced, along with the changes of scheduled hearings as described. Public comment is invited.

September 16	2:00 p.m.	EPA v. Granite City Steel Company, PCB 70-34, Illinois Pollution Control Board, 189 West Madison Street, Suite 900, Chicago, Illinois
September 22	9:30 a.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois
September 30	2:00 p.m.	General Electric Company v. EPA, PCB 71-238, 209 South LaSalle Street, Suite 1100, Chicago, Illinois
October 6	9:30 a.m.	Asbestos Regulations Control of Spray Insulation, R71-16, Granite City Courthouse, Granite City, Ill.
October 6	1:00 p.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois
October 7 & 8	9:30 a.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois
October 11	10:30 a.m.	General Electric Company v. EPA, PCB 71-238, City Hall, Morris, Illinois
October 15	10:00 a.m.	Asbestos Regulations Control of Spray Insulation, R71-16, Field Museum, Roosevelt Road at South Lake Shore Drive, Chicago, Ill.
October 19 & 21	10:00 a.m.	EPA v. City of Urbana v. Urbana and Champaign Sanitary District, and Saline Branch Drainage District, and The Board of Trustees of the University of Illinois, PCB 71-51U, City Council Chambers, Urbana, Illinois
October 20 & 22	9:30 a.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois

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November 13, 1971

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October 22

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, Illinois State Fairgrounds,
Illinois, 1115 Addison Ave,
Springfield, Illinois

November 4

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, Clark Center Building,
108 East Main Street, Urbana,
Illinois

November 4

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, Ramada Inn, Effingham,
Illinois

December 1

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, Wabash County Courthouse,
Fourth and Market, Mt. Carmel,
Illinois

December 2

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, Carbondale Township,
Office Building, 217 East Main,
Carbondale, Illinois

December 10

10:00 a.m.

Proposed Regulations for the Application of Plant Nutrients,
R71-15, St. Clair Room, University
Center, Southern Illinois University,
Edwardsville, Illinois

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ILLINOIS POLLUTION CONTROL BOARD
COMING FORMAL MEETINGS AND HEARINGS

September 13	9:30 a.m.	Mrs. and Mrs. Bill Lawler v. EPA, PCB 71-209, Waukegan Public Library, 128 North County Street, Waukegan, Illinois
September 13	10:00 a.m.	Moler, Inc. v. EPA, PCB 71-200, Chicago Circle Center, 750 South Halsted Street, Chicago, Illinois
September 13	11:00 a.m.	EPA v. City of Silvis, PCB 71-157, Council Chambers, City Hall, Rock Island, Illinois
September 13	2:00 p.m.	EPA v. Granite City Steel Company, PCB 70-34, Illinois Pollution Con- trol Board, 189 West Madison Street, Suite 900, Chicago, Illinois
September 14	10:00 a.m.	Proposed Water Quality Standards, R71-14, City Hall Council Chambers, 150 West Jefferson, 2nd Floor, Joliet, Illinois
September 14 15 & 16	10:00 a.m.	Elgin Jaycees v. Tri-City Landfill Company, et al, PCB 71-20, City Coun- Chambers, Elgin Municipal Building, 150 Dexter St., Elgin, Illinois
September 14	10:00 a.m.	Union Electric Company v. EPA, PCB 71-20, City Hall, 51 South Illinois Street, Belleville, Illinois
September 15	10:00 a.m.	Effluent Standards, R70- Field Museum, Lecture Hall, Roosevelt Road at South Lake Shore Drive, Chicago, Illinois

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September 15 10:00 a.m.

EPA v. Eli Amigon, PCB 71-89,
Supervisor's Office, Courthouse,
Eureka, Illinois

September 16 10:00 a.m.

Formal Board Meeting, Village Office,
801 Burlington Avenue, Council
Committee Room, Downers Grove, Ill.

September 16 1:30 p.m.

DuPage County Sewage Regionalization,
R70-17, Village Office, Council
Committee Room, 801 Burlington Avenue,
Downers Grove, Illinois

September 17 10:00 a.m.

Mt. Carmel Public Utility v. EPA,
PCB 71-15R, 400 Market Street,
Mt. Carmel, Illinois

September 17 & 21 10:00 a.m.

Sewer Connection Bans, R71-9, Waukegan
Public Library, 128 North County
Street, Waukegan, Illinois

September 21 10:00 a.m.

Proposed Water Quality Standards,
R71-14, City Hall Council Chambers,
745 Second Street, La Salle, Illinois

September 21 9:00 a.m.

Flintkote Company v. PCB 71-68,
Courtroom, Wabash Court, Courthouse,
Fourth & Market, Mt. Carmel, Illinois

September 21 9:30 a.m.

EPA v. Frank Cobin d/b Cobin
Salvage Company, PCB 71-34, Jackson
County Courthouse, Muncie, Illinois

September 21 10:00 a.m.

Sewer Connection Bans, 71-19,
Council Chambers, City Hall, 208 North
19th Street, Mattoon, Illinois

September 22, 23 & 24 9:30 a.m.

EPA v. Granite City Steel Company,
PCB 70-34, Granite City Courthouse,
Granite City, Illinois

September 21 10:00 a.m.

Proposed Water Quality Standards,
R71-14, City Hall Council Chambers,
Bloomington, Illinois

September 21 10:00 a.m.

Proposed Water Quality Standards,
R71-14, City Hall Council Chambers,
102 North Neil, Champaign, Illinois

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September 24	10:00 a.m.	Texaco, Inc. v. EPA, PCB 71-235, Council Chambers, City Hall, 101 South Broadway, Springfield, Illinois
September 25	10:00 a.m.	City of Olney v. EPA, PCB 71-223, City Hall Council Chambers, Olney, Illinois
September 28	9:30 a.m.	EPA v. Miller Lumber Company, PCB 71-227, Peoria Public Library, Second Floor, 107 North East Monroe Street, Peoria, Illinois
September 29	10:00 a.m.	Proposed Water Quality Standards, R71-14, City Hall, 106 West 5th Street, Metropolis, Illinois
September 30	10:00 a.m.	For Board Meeting, Marion City Hall, Traffic Court, Public Square, Marion, Illinois
September 30	2:00 p.m.	General Electric Company v. EPA, PCB 71-238, 209 South LaSalle Street, Suite 1100, Chicago, Illinois
October 1	10:00 a.m.	Effluent Standards, R70-8, Southern Illinois University, University Center Building, First Floor, College and Seminary Streets, Alton, Illinois
October 1	10:00 a.m.	Proposed Water Quality Standards, R71-14, Wabash County Courthouse, Fourth and Market, Mt. Carmel, Illinois
October 6	9:30 a.m.	Asbestos Regulations Control of Spray Insulation, R71-16, Granite City Courthouse, Granite City, Illinois
October 6	10:00 a.m.	Proposed Water Quality Standards, R71-14, Peoria Public Library, 107 N. Monroe, Peoria, Illinois
October 6	1:00 p.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois
October 7 & 8	9:30 a.m.	EPA v. Granite City Steel Company, PCB 70-34, Granite City Courthouse, Granite City, Illinois

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News (Continued)

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September 12, 1971

October 10, 10:30 a.m.

General Electric Company v. EPA,
PCB 71-238, City Hall, Morris,
Illinois

October 12, 10:00 a.m.

Formal Board Meeting, Joliet City
Hall, 50 West Jefferson Street,
Joliet, Illinois

October 14, 10:00 a.m.

Asbestos Regulations Control of
Spray Insulation, R71-16, Field
Museum, Roosevelt Road at South
Lake Shore Drive, Chicago, Illinois

October 15, 10:00 a.m.
20 & 22

EPA v. City of Urbana v. Urbana and
Champaign Sanitary District, and
Saline Branch Drainage District, and
The Board of Trustees of the Univer-
sity of Illinois, PCB 71-510, City
Council Chambers, Urbana, Illinois

October 20, 9:30 a.m.
21 & 22

EPA v. Granite City Steel Company,
PCB 70-34, Granite City Courthouse,
Granite City, Illinois

October 22, 10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients,
R71-15, Illinois State Fairgrounds,
Illinois Building Auditorium,
Springfield, Illinois

November 3, 10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients,
R71-15, Civic Center Building,
13 East Water Street, Urbana,
Illinois

November 4, 10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients,
R71-15, Ramada Inn, Effingham,
Illinois

December 1, 10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients,
R71-15, Wabash County Courthouse,
Fourth and Market, Mt. Carmel,
Illinois

December 2, 10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients,
R71-15, Carbondale Township,
Office Building, 217 East Main,
Carbondale, Illinois

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September 13, 1971

December

10:00 a.m.

Proposed Regulations for the
Application of Plant Nutrients
R71-15, St. Clair Room, University
Center, Southern Illinois University,
Edwardsville, Illinois

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ILLINOIS POLLUTION CONTROL BOARD

September 2, 1971

In the Matter of ()

OPEN BURNING REGULATIONS

Opinion of the Board (by Mr. Currie):

Open burning has long been recognized as an important and particularly inexcusable source of air pollution. With certain exceptions, open burning was outlawed by regulations of the Air Pollution Control Board in 1965, and Section 9 (c) of the Environmental Protection Act of 1970 outlawed all open burning of refuse and for salvage, except as may be specifically authorized by regulations of this Board. The regulations adopted today were proposed in order to clarify the uncertain relationship between the old regulations and the new statute and to draw a more accurate line between permissible and impermissible burning in light of the experience gained in the first few months of this Board's operation. Our authority to adopt these regulations stems from sections 9 (c) and 10 of the Act, which authorize the Board to adopt regulations to guard against air pollution--which may go beyond refuse and salvage cases--and to exempt harmless and necessary open burning from the statutory ban. This opinion explains and gives reasons for the new regulations.

1. Refuse Dumps and Salvage.

The record contains ample evidence as to the pollution caused by open burning of refuse dumps and of wrecked vehicles, and as to the lack of necessity for such burning. See Exhibits 4, 5, 7, and 8, giving some indication of the extent of smoke and other contaminants emitted by such operations, and Exhibits 3, 8, 9, 10, and 21, indicating methods of sanitary landfill and of automobile and boxcar hulk disposal methods in actual use that obviate any need for burning in such cases. Attention is particularly called to a letter received by the Air Pollution Control Board from an auto hulk processor in late 1969:

Because of the nature of our shredder operation at Alton, Illinois, we do not require burned auto bodies; however, we do accept both burned and unburned auto bodies at the same price. (Ex. 10).

The open burning of refuse dumps and open burning for salvage purposes have been illegal since 1965, and we reaffirm the prohibition with conviction.

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2. Garbage in Boilers

The burning of garbage in boilers intended for residential or other heating is among the more offensive types of pollution in terms of particulate emissions, and is also offensive in terms of odors. Such burning was prohibited in 1970 (R. 74-75) and the City of Chicago has been urged by the Environmental Protection Agency to issue permits for the burning of refuse in boilers or other vessels, and to set standards, and we repeat that prohibition and regulations in order to call attention to it. The agency has phrased this provision so as to require an incineration permit. While we agree that such permits should be required, we think this requirement is not properly a part of the open burning regulations but should be adopted in connection with the pending permit and emission regulations for stationary sources (§§R 70-15, R 71-4, R 71-8, R 71-18).

3. Leaves and Other Landscape Refuse: "Backyard Incineration."

There has been considerable confusion over the status of leaf-burning under the new statute. Today's regulation makes it clear that leaves and other landscape refuse may be burned on the premises only outside municipalities and a one mile buffer zone beyond towns of 1000 or more people. In populated areas leaf burning is a nuisance. The City of Chicago has recently banned leaf burning, and it reports a significant reduction in complaints as a result (R. 131, 132). We have been urged by numerous witnesses to ban leaf burning.

Dr. George Arnold, on behalf of the Madison County Sanitation and Pollution Committee, argued that leaf burning creates a hazard of fire and of traffic accidents, contributes to the violation of particulate air quality standards, reduces visibility, endangers health, and destroys valuable organic matter (R. 64-67). Several witnesses discussed from personal experience the adverse health effects of leaf burning, especially on persons with respiratory problems (R. 214-32). An allergy specialist testified as to the serious health effects of burning leaves, especially those contaminated with pesticides, upon people with allergies or respiratory diseases (R. 184-91). There was also much evidence as to alternative methods of leaf disposal, including municipal incineration and sanitary landfill (R. 135) as well as mulching and composting to make use of the organic material (R. 67-68, 100-02, 228-30). Cost studies have concluded that the cost of leaf collection is moderate (\$2.58 per family per year in Detroit in 1967, R. 68), and that the cost of such collection is offset more than three to one by the benefits of reducing pollution, even without considering either health effects or the possible benefits of mulching (Ex. 11).

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...we have concluded that there is no excuse for leaf burning in municipalities. At the Agency's request, however, we have allowed a grace period until the middle of 1972 for people without access to a refuse collection service.

...other end of the spectrum we are not sure that the cost of alternative disposal methods are likely to be significantly higher than for population density and that, in the rural areas, the even more serious problem of even in rural areas, the large quantities of leaves, landscape refuse, or paper, and the irregular distribution of these materials, which they are not easy to collect, are a problem. (R. 105-06, 168-76) ... We think industrial and commercial concerns, other than farms, which are relatively remote, ought to bear the cost of providing for more acceptable means of disposal. In the case of farms we allow burning, but only if no economic alternative is available.

It is therefore desirable in this case, as authorized by section 27 of the Act, to make different provisions for different parts of the State in terms of population density. It is obviously impossible to draw a scientific line to separate with logical precision those cases in which it is and is not acceptable to burn landscape refuse; one is reminded of the necessity for choosing a somewhat arbitrary voting age. We believe the distinction drawn is an appropriate one that will be easy to administer and to understand.

A word of caution is in order as to the disposition of leaves. We have some reservations about the spreading practice of placing leaves in plastic bags for collection. Plastic bags are relatively nondegradable and may interfere with normal decomposition of the leaves in a sanitary landfill. Moreover, the gaseous products of incineration of plastic bags may not be desirable additions to the air (R. 135, 139). We are not today outlawing the use of plastic for this purpose, since the issue is not before us, but we wish to warn people to take care that in avoiding one environmental problem they do not create another.

4. Fighting Fire with Fire.

The exception permitting fires to stop the spread of other fires requires little comment. It is plain that in such cases open burning can reduce fire losses and air pollution too.

The provision allowing permits for open burning to instruct in firefighting techniques is similar. It is clear that experience with actual fires is indispensable in such instruction, and that such instruction is of enormous value. We have required permits for such

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activity in order to ensure that it is not done unnecessarily or in such a place or way as to cause unnecessary pollution. We think the permit requirement will not cause administrative hardship, since permits can be granted to cover an entire year's training program rather than for each fire (R. 24-25, 40-53, 192-98). We have not included this provision in the testing of firefighting equipment and fire-control devices for similar reasons.

Campfires, Barbecues, and Fireplaces.

We have included an exception for small recreational fires in the bill that we have not reached the point where the pleasure gained by such fires is outweighed by the little harm they cause. Too many enjoyable things are already illegal, immoral, or fattening; we will not deprive people of the joys of campfires and fireplaces until we know it is necessary to do so. We add that garbage is not to be burned in such cases; that local laws must be complied with; that such activities may be stopped if they in fact cause pollution; and that this exception is not to be abused by calling a burning refuse heap a bonfire or by roasting wieners over a pile of leaves.

6. Gas Flares.

Oil refining operations must provide safety vents for releasing explosive gases in the event of increased pressure, and burning of such gases is necessary to avoid the danger of explosion. The flares are kept burning at all times to provide a pilot for igniting emergency releases and to prevent explosive conditions in the pipes. By and large the combustion products are carbon dioxide and water, although some sulfur dioxide results from the burning of hydrogen sulfide during upset conditions. We are convinced on this record that, so long as smokeless devices are employed, as the industry testified they should be, the hazards of explosion amply justify allowing refinery flares. We agree moreover that the relatively small amounts of sulfur dioxide emitted are far preferable to comparable amounts of hydrogen sulfide. (R. 200-09).

Flares are also commonly used to burn small quantities of natural gas produced at oil wells in Illinois. Regulations of the state Department of Mines and Minerals forbid unnecessary waste of this gas, and it is utilized wherever economically feasible. Often, however, there are no nearby buildings to heat with this gas, and the quantities are so small as to make the cost of compressing and distributing it prohibitive. For safety reasons the Department of Mines and Minerals requires this waste gas to be burned. The combustion products are carbon dioxide and water, and we agree no significant pollution is caused. We have exempted such flares, and their counterparts in other industries such as coke-oven and blast-furnace gases, from the open-burning restrictions (R. 75-100).

No permit is required for safety flares because of the enormous number of flares and the consequent administrative burden.

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7. Prairie Fires

At the first hearings we added a provision allowing permits for controlled burning of prairies in order to maintain them in natural condition for historical and botanical purposes. That is, in such areas, they are still and remote burning is not required. (R. 125-56, 125-57, 210-13).

Plant diseases. We know to most people that the rapid spread of plant diseases has been the most serious problem of infected trees. We have no adequate assurance that any method of disposal safely destroys the infecting organism. One witness testified that a foot of landfill cover would suffice, but the bulk of diseased trees is enormous, and a foot is a lot of cover. The City of Chicago has commendably purchased a chipping machine at a cost of over \$60,000 that enables diseased trees to be chopped up and fed to a controlled incinerator, but we cannot say that this solution is within the financial range of all municipalities on this record. On the other side of the coin, we do not believe the burning of wood to be among the more obnoxious forms of open burning. In short, we think the urgency of combatting plant diseases justifies a permit system allowing the burning of infected vegetation under conditions that will minimize pollution (R. 129, 136-38, 164-65, 177-83).

We also agree that permits should be allowed in cases in which it is not feasible to remove the felled vegetation from its site without destroying a substantial segment of forest (P. 154, 65-66).

We have received, and almost always denied, a great many requests for variances to permit the open burning of non-diseased trees. The evidence is persuasive that alternative disposal methods are simply not practicable in most cases (June 3, pp. 51-53). Consequently, after the most recent hearings, we omitted the limitation to diseased trees and inserted a provision authorizing permits for burning any trees outside of restricted areas upon a showing of need. However, the evidence shows that a device called the air curtain destructor, available for only a very few thousand dollars and portable, can substantially reduce emissions from such burning by blowing air over the top of the fire (June 3, pp. 54-61; June 4, pp. 34-35, 46-67). Cost of the unit, including its own motor, is from \$6700 to \$11,300, the cost of a permanent pit estimated at \$2500-\$3500, and operating costs estimated at 15-20¢ per ton (June 4, pp. 57-65). The Cook County Forest Preserve District is installing such a destructor (June 3, pp. 108-09, 113), and they are required in St. Louis County, Missouri (June 4, p. 33). We have allowed several months for the acquisition of such devices, required their use after July 1, 1972, and allowed their use within restricted areas subject to a permit requirement.

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9. Explosive Wastes.

We have on several occasions received requests for burning of explosive wastes upon showing of necessity. We shall consider these cases, sometimes involve rather significant wastes and the technology for alternative disposal is advancing. These cases are sufficiently infrequent that we shall consider them individually on a variance basis.

requests received, granted them or so. However, titles of special interest and with them.

10. Oil Sludges.

The evidence tells us that on release safety and state regulations require the accumulated in oil production (June 4, provided for such burning by permit and a permit but with a reporting requirement.

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11. Local Enforcement.

We have added a provision making clear obligation of local governments to enforce regulations. The Agency cannot do it all. To have a clean environment we must have the cooperation at all levels.

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The following changes were made in the rule received after publication of the proposed rule. A definition of trade waste was added; the reference to agricultural and domicile waste was made explicit in Rule 403 to conform to the different conditions applicable to each. A provision has been added for domicile wastes where pickup service; the requirement has been added that waste can be burned only when there is no alternative; domestic fireplaces have been exempted; the procedural requirements for permits have been rewritten to be more specific.

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ORDER

- (1) Part 3 of Chapter 2 of Rules and Regulations Governing the Control of Air Pollution, adopted by the Illinois Air Pollution Control Board March 26, 1965, is hereby repealed, except those cases pending before the effective date of this regulation, which are governed by the provisions otherwise applicable.
- (2) A new Part is hereby added to the Rules and Regulations of the Illinois Pollution Control Board as follows:

ILLINOIS POLLUTION CONTROL BOARD
RULES AND REGULATIONS

Ch. 3: AIR POLLUTION
PART IV: OPEN BURNING

401 Definitions.

- (a) Agricultural Wastes: Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and landscape wastes.
- (b) Domicile Waste: Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term includes landscape waste, but excludes garbage and trade waste.
- (c) Garbage: Refuse resulting from the handling, processing preparation, cooling, and consumption of food or food products.
- (d) Landscape Waste: Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.
- (e) Open Burning: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Act.
- (f) Refuse: Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(g) Restricted Areas. The area within the boundaries of any municipality was defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest Federal Census.

(h) Trade Waste. Any refuse resulting from the prosecution of any trade, business, industry, commercial, agricultural, or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

402 Prohibitions.

(a) No person shall cause or allow open burning, except as provided in Rules 403, 404, and 405 of this Part.

(b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

403 Exemptions. The following activities are not in violation of Section 9(c) of the Environmental Protection Act or of this Part unless they cause air pollution as defined in the Act. Nothing in this Rule shall exempt such activities from applicable local restrictions.

(a) The open burning of agricultural waste, but only:

- (1) on the premises on which such waste is generated; and
- (2) in areas other than restricted areas; and
- (3) when atmospheric conditions will readily dissipate contaminants; and
- (4) if such burning does not create a visibility hazard on roadways, railroad tracks, or air fields;
- (5) more than 1000 feet from residential or other populated areas; and
- (6) when it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

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(b) The open burning of domicile waste, but only:

(1) on the premises on which such waste is generated; and

(2) in areas other than restricted areas; and

(3) when atmospheric conditions will readily dissipate contaminants; and

(4) if such burning does not create a visible hazard on roadways, railroad tracks, or air fields;

(5) notwithstanding subparagraph (2) of this paragraph (b), this exemption shall apply to residents in restricted areas who do not have refuse collection service available to them, but only until July 1, 1972.

(c) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(d) The burning of fuels for legitimate campfire, recreational, and cooling purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases;

(e) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips of comparable devices to reduce pollution;

(f) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

404 Permits.

(a) The Environmental Protection Agency may grant permits for open burning in the following instances:

(1) For instruction in methods of fire fighting; or for testing of equipment for extinguishing fires, of flares and signals, or of experimental incinerators, or for research in control of fires;

(2) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;

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(3) For research or management in practice or forest ecology.

(4) For the destruction of landscape wastes provided that such burning shall not occur:

(i) in restricted areas, unless burning is permitted with the aid of an air-curtain destructor or comparable device to reduce emissions substantially; or

(ii) within 1000 feet of any residential or other populated area; or

(iii) after July 1, 1972 except with the aid of an air-curtain destructor or comparable device to reduce contaminant emissions substantially.

(5) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that in emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Agency within ten days thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.

(b) An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the Agency. Such application shall contain, among other things, data and information sufficient to inform the Agency with respect to: the exact quantities and type of material to be burned; the exact nature and exact quantities of air contaminant emissions which will result; the exact frequency, including dates where appropriate, when such burning will take place; the exact location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, etc.; the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; and the reasons why such burning is necessary to the public interest.

(c) No permit shall be granted unless the applicant proves to the satisfaction of the Agency that the open burning: necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof.

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(d) The Agency may impose such conditions as may be necessary to accomplish the purposes of the Act or this Part.

conditions in the permit purposes of the Act or

(e) No permit shall be valid for more than one year. Applications for renewal of a permit shall be submitted to the Agency at least 30 days prior to the expiration of the prior permit, and shall conform to the standards set forth in Rule 404(c).

onger than one year. l be submitted to expiration of the prior The standards set forth in

(f) Violation of any of the conditions of a permit shall be grounds for revocation of the permit, as well as for other sanctions.

of the permit t by the Agency, e Act.

(g) The Agency may revise this Rule, or any condition of a permit, as may be necessary to accomplish the purposes of the Act or this Part.

ted pursuant such permit.

405 Explosive Wastes.

Open burning of wastes creating or other serious harm, unless prohibited in this Part, shall be permitted, and grant of a variance as provided in these Rules and Regulations shall be subject to the conditions of a permit.

losion, fire, or provisions location for and by Chapter

406 Local Enforcement.

It shall be the obligation of the local government, as of the Environmental Protection Agency, to enforce by appropriate means the prohibitions of this Part.

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