

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1972

CITY OF FLORA )  
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 v. ) # 72-33  
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 ENVIRONMENTAL PROTECTION AGENCY )

Opinion and Order of the Board (by Mr. Currie):

The City of Flora asks permission to open burn 100 to 150 wooden reels discarded each month by an industrial concern. The petition does not allege facts sufficient to justify relief even if proved, and we therefore dismiss it without prejudice to the filing of a more complete petition. See City of Jacksonville v. EPA, #70-30, Jan. 27, 1971.

The only statement of hardship is that the amount of land needed for burying the reels would make the expense "prohibitive" and that stacking the reels would be unsightly and unhealthy. To say the expense is prohibitive is not enough; some estimate of the cost must be given to enable us to have information on which we can base a decision. See City of Jacksonville, supra. Nor does the specification of allegedly unsatisfactory alternatives exhaust the possibilities. Nothing at all is said about the possibility of reusing the reels or of selling them for some other kind of use. Nothing is said to rebut the possibility that what is a waste to the company may be a valued resource to somebody else. See Decker Sawmill v. EPA, # 71-73 (July 8, 1971); Forest Preserve District v. EPA, #71-304 (Jan. 6, 1972). We must also note the strong presumption in favor of obedience to the rules and regulations duly adopted on the basis of extensive evidence as to costs and benefits, and the general statutory principle that the cost of disposing of waste is a legitimate cost of doing business. Nor do we find sufficient on the other side of the case the general allegation that no harm will be done by open burning because there are no homes within 1500 feet. There are some things that might cause serious problems even under those conditions, and additional allegations are necessary.

We note with some hope that the request is not for a permanent allowance to burn in the open unaided, but only until July 1972 when an air-curtain destructor is to be used. While this would very much improve the situation, we point out that the present rules allowing use of such a device in lieu of a traditional incinerator apply only to landscape wastes at present, and that therefore any further variance request should include a request for permission to utilize the destructor for the wastes in question.

In dismissing at this time we hope to save the parties the time and expense of a hearing in which the necessary facts might not be developed and an incomplete record made. We hereby dismiss the petition without prejudice to the filing of a more complete application.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 3<sup>RD</sup> day of February, 1972 by a vote of 5-0.

