ILLINOIS POLLUTION CONTROL BOARD
February 7, 1972

DECATUR CEMETERY LAND COMPANY	)	
	)	
v.	)	PCB72-40
	)	
ENVIRONMENTAL PROTECTION AGENCY	)	

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

The cemetery asks a variance to permit the open burning of flowers and other plants placed at graves, apparently within the boundaries of the City of Decatur. Our regulations recognize the need for such burning in certain cases but require that it be done with the aid of an air curtain destructor or outside of municipal boundaries in order to minimize the effect on other persons. It is alleged that twelve months are needed in order to obtain approved equipment, but we do not deem this conclusion adequate to justify the expense of a hearing at this point. This is not a case involving bulky tree trunks removed from the premises to avoid the spread of disease; we are here talking about what for all that is alleged may be a rather small volume of much more manageable materials. No reason is given why a scavenger cannot be found to carry this material off the premises to be disposed of in a landfill or approved incinerator, or even burned in the open outside the restricted area. Open burning in a restricted area is a last resort, and strong allegations of fact to support the conclusion of hardship must be made to justify a departure from the regulation. No such showing has been made here. Nor can we adequately evaluate what emissions would result if the variance were allowed, since no indication is given as to the amounts of waste expected to be burned. The petition is dismissed without prejudice to the filing of a petition that more specifically alleges the unavailability of alternative means of disposal. Cf. Cedar Park Cemetery Association v. E. P. A., #72-29 (January 31, 1972).

I, Christan L. Moffett, Clerk of the Pollution ControlBoard, certify that the Board adopted the above Opinion and Order this 7th day of February, 1972 by a vote of 5-0.

Christan L. Moffett