

ILLINOIS POLLUTION CONTROL BOARD
March 3, 1971

CITY OF DU QUOIN)
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)
 V.) #70-40
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 ENVIRONMENTAL PROTECTION AGENCY)

Opinion of the Board (by Mr. Currie):

This is another in a large series of petitions seeking a variance to permit open burning of "dead and diseased" trees. In accord with our practice in these relatively simple and unimportant cases, we elected to proceed without hearing. Although the petition was filed with the Board November 30, 1970, it was never filed with the Agency as required by the Environmental Protection Act. We deny the petition.

As in our earlier decisions on this subject, we find the allegations insufficient, even if proved, to establish that compliance with the law would impose an arbitrary or unreasonable hardship insofar as non-diseased trees are concerned. The conclusory allegation that there may be some "difficulty" in covering such trees with dirt, as required by the regulations governing sanitary landfills, does not prove the requirement unreasonable. See *City of Jacksonville v. EPA*, #70-30 (Jan. 27, 1971); *City of Winchester v. EPA*, #70-37 (Feb. 8, 1971).

In the Winchester case we granted a variance to permit the burning of diseased trees only, on the ground that burning was necessary in order to prevent the spread of infection. However, in the present case the Agency has informed us that the proposed burning is to take place at an existing landfill site that is conducted in violation of the regulations requiring covering and compacting of refuse. "To permit any burning at all," the Agency advises us, "would pose a danger to setting the refuse at the sanitary landfill on fire." We agree that these conditions must be corrected before any burning is permitted.

ORDER

On the basis of the petition and the Agency's recommendations, and for reasons stated in the Board's opinion, the petition for variance is denied.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 3rd day of March, 1971.

Regina E. Ryan

I Concur

I Dissent

Samuel R. DeLoach
[Signature]
David L. Curry
Joseph D. Symelle
William J. [Signature]

