

ILLINOIS POLLUTION CONTROL BOARD

August 5, 1971

G. HELMKAMP EXCAVATING & TRUCKING CO.)  
 )  
 v. ) # 71-186  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

EXMOOR COUNTRY CLUB )  
 )  
 v. ) # 71-201  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

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

These petitioners seek variances to burn trees. Both petitions are wholly deficient. A variance is not something one obtains simply by asking for it; it is permission to do what the law forbids, and it is granted only upon a showing of arbitrary or unreasonable hardship. The Board's procedural rules indicate the information that must be contained in a petition for variance. In neither case here is there any allegation of hardship or of the effect of such burning on persons in the vicinity. See City of Jacksonville v. EPA, # 70-30, Jan. 27, 1971.

The petitions are dismissed. We have presently under consideration a proposed revision of the open burning rules that would allow the Environmental Protection Agency to grant permits under appropriate conditions for tree burning. Final action on this change is expected in early September. Today's dismissal is without prejudice to any action on a subsequent revised petition or to any application under the revised rules if they are adopted.

I, Regina E. Ryan, Clerk of the Pollution Control Board certify that the Board adopted the above opinion this 5th day of August, 1971.

