

ILLINOIS POLLUTION CONTROL BOARD

October 4, 1973

ILLINOIS DEPARTMENT OF TRANSPORTATION, )  
 )  
 Petitioner, )  
 )  
 vs. ) PCB 73-416  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner requests "blanket variance for burning of landscape waste generated by the Illinois Department of Transportation". The petition states that "most if not all" of Petitioner's wastes could legally be burned without a variance or permit. Therefore, a blanket variance is requested for the burning of landscape waste generated during construction and maintenance phases of transportation projects. No further facts are given.

To the extent that a variance is not needed, the matter is moot.

However, if the Statute and Regulations would prevent open burning in some cases, as seems indicated, then the Department of Transportation is certainly within its rights in applying for a variance. The Statute clearly states that variances may be granted "upon presentation of adequate proof, that compliance with any Rule or Regulation...would impose an arbitrary or unreasonable hardship". (Environmental Protection Act, Section 35) Clearly, no "blanket" variance could be given. Our Procedural Rule 401 states that a variance petition shall include a description of the activity in question, the quantity and type of materials processed, an estimate of the quantity and type of contaminants discharged, description of existing and proposed equipment for the control of discharges, statement of why Petitioner believes compliance with the Regulation would impose an arbitrary or unreasonable hardship, description of costs of compliance, and description of injury that grant of the variance would impose upon the public.

Petitioner makes no attempt to give information which would satisfy the Statute or the Regulations. Even the location of the burning is omitted. The petition is therefore inadequate and will be dismissed without prejudice.

It is the order of the Board that the variance petition be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order of the Board was adopted this 4<sup>th</sup> day of October, 1973 by a vote of 4 to 0.

*Christan L. Moffett*