

ILLINOIS POLLUTION CONTROL BOARD
April 25, 1972

GLEN OAK CEMETERY CO., FOREST)
HOME CEMETERY CO., CEDAR PARK)
CEMETERY ASSOCIATION, OAKRIDGE)
CEMETERY, INC.)
)
)
v.) ## 72-117, 72-118,
) 72-119, 72-120
)
)
ENVIRONMENTAL PROTECTION AGENCY)

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

Our order of March 28 dismissing these requests for permission to burn diseased trees was reversed ex parte by the Appellate Court, which directed that a mandate issue forthwith and that we "issue a permit in accordance with rules and regulations." Our motions for rehearing and for stay pending appeal were denied by the Appellate Court and by Mr. Justice Ward of the Illinois Supreme Court respectively. No opinion has been filed giving reasons for the reversal.

Since the mandate has been issued and a stay denied, we have no recourse but to comply with the order to the extent it lies within our power to do so. Nothing in the statutes gives us authority to issue permits, except for nuclear facilities. The best we can do is to order that the Environmental Protection Agency, which has statutory authority over permits, issue one. In reading the court's order without benefit of an explanatory opinion, we can only conclude that this permit may be subject to such conditions as are required by the regulations and as the Agency may find necessary to further the purposes of the Act, since the order says a permit shall issue "in accordance with rules and regulations."

It is so ordered.

I, Christian Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 25th day of April, by a vote of 5-0.

