

ILLINOIS POLLUTION CONTROL BOARD
August 29, 1972

CITY OF MORRISON)
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 v.) #72-345
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 ENVIRONMENTAL PROTECTION AGENCY)

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

The City of Morrison asks for a variance to allow the open burning of trees and brush, on conditions as attached to an earlier variance to the same effect, City of Morrison v. EPA, #71-144 (Aug. 13, 1971). The petition makes no mention of the completely revised open burning rules (PCB Regs. Ch. 2, Part V), which we adopted September 2, 1971 and which now govern matters of this nature. Those regulations expressly recognize the economic desirability of open burning in certain situations and allow the Environmental Protection Agency to grant permits for such burning under appropriate circumstances. No allegation is made that the City has sought such a permit and had it denied, or why no such permit could be obtained. In the absence of such an allegation there are insufficient facts alleged to justify the grant of a variance if all allegations were proved, since for all that is alleged the City may do what it proposes without violating the regulations and thus without a variance. We note also the absence of any allegation as to why the City cannot use an air-curtain destructor to reduce the pollution from open burning, or as to what pollution would be caused if the variance were granted, or as to the costs of alternative means of disposal. We therefore dismiss the petition as inadequate, without prejudice to the filing of a more complete petition, calling the City's attention to our procedural rule 401, which spells out the requirements of a variance petition.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 29th day of August, 1972, by a vote of 5-0.

Christan F. Moffett