

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1972

PEORIA STATE HOSPITAL)
)
)
 v.) # 72-19, 72-20, 72-21
)
)
 ENVIRONMENTAL PROTECTION AGENCY)

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

These are three variance petitions on behalf of the Peoria State Hospital seeking permission to take a variety of actions contrary to assorted pollution control regulations. We dismiss each of them for reasons stated below.

#72-19 asks to destroy confidential patient records and other combustible materials by open burning, which is forbidden by both the statute and the regulations. The justification of preserving the confidentiality of certain records does not encompass other material included within the request, as to which it is asserted only that the present scavenger contract does not provide for its removal. If this were proved it would not be an excuse for open burning; no reason is stated why the Hospital cannot, like everyone else, arrange for the material to be disposed of properly. As for the confidential records, nothing is said as to why the Hospital cannot, like everyone else, do whatever burning is necessary in an approved incinerator, even if other methods of disposal prove unsatisfactory. The petition also fails to contain allegations, as required by our procedural rules, respecting the degree of harm to nearby persons if the burning were permitted. For all these reasons the petition fails to allege a case on which relief could be granted, and must be dismissed.

#72-20 asks permission to dispose of boiler house cinders and demolished concrete in a landfill operation on hospital property. No information is offered concerning the suitability of the site, the method of landfill proposed, or the possible effect on the environment, as for instance with regard to the possibility of leaching of contaminated rainwater. Most important, there is not even an allegation as to what provisions of the law or regulations might be violated by the operation, and therefore we are in the dark as to what provisions the Hospital asks us to relax. The specified procedure for obtaining permission to engage in landfilling is to seek a permit from the Environmental

Protection Agency. Perhaps the Hospital has done so and has been refused, and if so a variance is the proper remedy. But the allegations are insufficient to demonstrate the need for any variance, since nothing is said about having sought a permit and lost. For all these reasons this petition must be dismissed as inadequate.

#72-21 asks permission to burn about 25 to 30 diseased trees per year on the hospital premises. We recently went through a protracted rule-making proceeding in which we heard extensive testimony as to the problems of disposing of diseased trees. We concluded, in new regulations on the subject, that burning is often necessary to stop the spread of disease, but that burning should be done outside of populated areas and, wherever possible, with the aid of an air-curtain destructor. The fact that having the trees hauled outside a populated area may cause certain inconvenience and expense we considered and rejected as a ground for allowing open burning in congested areas. Open burning is bad enough anywhere; it is very seldom tolerable inside a metropolitan area. Again there is no allegation that a permit for open burning in a place or manner allowed by our rather generous rules was made and denied, and that is a condition precedent to obtaining a variance. Again there is no description, as the procedural rules require, of the harm that is expected if burning takes place. And there is no allegation of a sufficient excuse to override the very strong presumption in favor of compliance with the law. This petition must also be dismissed.

Variances are not granted as a matter of course. As we have often emphasized, they are unusual dispensations granted only on a showing of the most unreasonable hardships. The petitions here are dismissed.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 24 day of January, 1972 by vote of 3-0.

Christan Moffett