

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1972

LYLE LETHLEAN,)
)
 Petitioner,)
)
 v.) PCB 72-406
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent)

PRELIMINARY ORDER OF THE BOARD (by Mr. Parker):

A copy of a letter from Lyle Lethlean to the Environmental Protection Agency dated 9/26/72 was forwarded to the Board by the Agency and received by the Board on October 16, 1972. The letter is considered to constitute a variance petition. The letter seeks permission to burn tree limbs blown down during recent storms.

The petition as filed fails to comply with our Procedural Rule 401. For example, we note that the petition does not contain any information concerning the practicability of possible alternatives to open burning, and the costs of those alternatives. In particular, the petition does not indicate why it would not be practicable to utilize an air curtain destructor or similar device to minimize emissions and avoid the need for a variance.

The Petitioner is hereby ordered to file an amended petition with the Board on or before November 14, 1972, the amended petition to contain additional information consistent with the requirements of our Procedural Rule 401, and the amended petition also to include a statement by petitioner that the 90 day period provided for in Title 9, Section 38 of the Environmental Protection Act shall commence as of the date of filing of the amended petition.

In the absence of the filing of an amended petition on or before November 14, 1972, the original petition shall be subject to dismissal.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order on this 24th day of October, 1972, by a vote of 4 to 0.

Christan L. Moffett