

ILLINOIS POLLUTION CONTROL BOARD
March 28, 1972

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

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

These four petitions request variances to permit the open burning of diseased trees within restricted areas contrary to the open burning regulations. The petitions do not allege facts which, even if proved, would justify the relief sought, and therefore they are dismissed without hearing. There is no adequate allegation as to what harm would result to persons in the area if burning were permitted, and there is no adequate explanation of why it is thought to be unreasonable to utilize an air-curtain destructor, as authorized by the regulations, or to transport the material outside the restricted area. The open burning regulations are not to be taken lightly. Methods are provided in those regulations to allow the burning of diseased trees under appropriate circumstances which are not satisfied here. We note that one of the present petitioners submitted a very similar petition that we dismissed on the same ground a short time ago. Cedar Park Cemetery Ass'n v. EPA, #72-29 (Jan. 31, 1972). That dismissal is precedent for today's action.

The petitions for variance in these four cases are hereby dismissed.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 28th day of March, 1972 by a vote of 5-0.