

ILLINOIS POLLUTION CONTROL BOARD  
May 17, 1972

CITY OF OLNEY )  
 )  
 v. ) PCB 72-205  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION OF THE BOARD (by Mr. Kissel):

On May 15, 1972, the Board received a letter from the City of Olney submitting its "application for permit" to conduct open burning within the City of Olney. The letter details where the burning of trees will take place and asks the Board for early action on "this permit for variance".

It is unclear from the letter whether the City is seeking a permit, or whether the City has been refused a permit and is appealing that refusal, or whether the City is seeking a variance from the open burning regulations. If the City is seeking a permit, in the first instance, it must apply to the Agency, not to the Board and, therefore, this matter should be dismissed and referred to the Agency. If, however, the City is appealing a permit denial by the Agency, or if the City is seeking a variance, it is necessary that the City supply the Board with much more information as follows:

1. what alternatives are available for disposition of the brush and trees?
2. what are the specific costs of each of the alternatives? and
3. what effect would the burning have on the surrounding community?

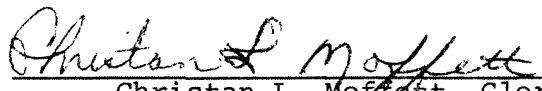
The City should also supply the Board with any other detailed information which will enable the Board to balance the hardships in the case.

Normally, in cases where a petition is inadequate we have dismissed them, except in the case of municipalities where we have allowed the municipalities to file amended petitions stating the new and required facts. We will allow, therefore, the City of Olney to amend

its petition if it so chooses. If no new information is received within twenty (20) days from this date, the petition will be dismissed as inadequate.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted by the Board on this 17th day of May, 1972, by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board