

ILLINOIS POLLUTION CONTROL BOARD

July 12, 1971

VILLAGE OF OMAHA	)	
	)	
v.	)	# 71-167
	)	
ENVIRONMENTAL PROTECTION AGENCY	)	

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

The Village seeks a variance to burn 8 to 10 truckloads each Tuesday and Friday of "paper cartons, corrugated paper packing and other combustible materials generated by retail stores and other businesses." The proposed burning site is the village landfill, which is described as a "remote area...where there are no nearby occupied dwellings." The alleged hardship is that alternative disposal methods would result in increased costs. It is alleged that either to buy an incinerator or to bury the material would be "beyond the financial capacity of the Village" and "beyond the income of the village taxpayers."

Open burning has been illegal since 1965. This village alleges no facts that make its case different from any other municipality's. What it seeks is not a variance but a repeal of the regulation. Moreover, it alleges only bare conclusions as to its inability to pay the costs of adequate refuse disposal, costs which the Air Pollution Control Board and the General Assembly decided after due deliberation were reasonable to prevent the emission of unnecessary smoke and other contaminants. We have held on numerous occasions that mere conclusory allegations are insufficient in a petition for variance (e.g., City of Jacksonville v. EPA, #70-30, Jan. 1971). There is no allegation as to what the costs of compliance would be, and the petition is thus fatally deficient.

We have dismissed numerous petitions such as this in the past in cases involving the burning of trees. The present case is even less meritorious, for the practical problems of dealing with bulky trees are not alleged here. The only argument is that it costs more not to pollute. Of course it does; that does not justify pollution. If disposing of commercial wastes gives the village a financial pinch, no reasons are alleged why the village should not charge for its services. Those who generate waste can reasonably be expected to bear the cost of its disposal.

The petition is dismissed.

I, Regina E. Ryan, Clerk of the Pollution Control Board certify that the Board adopted the above opinion this 12 day of July, 1971.

