

ILLINOIS POLLUTION CONTROL BOARD  
March 22, 1971

CITY OF LITCHFIELD )  
 )  
 v. ) #PCB 71-35  
 )  
 ENVIRONMENTAL PROTECTION AGENCY)

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

The City of Litchfield asks a variance to permit the open burning of trees, alleging that the burning will take place 400 yards from the nearest home and only when the wind is away from the residents, and that the City has no money to dispose of the trees by landfill. These allegations, even if proved true, would not entitle the City to a variance, as we have held in several prior cases. For this reason no hearing is needed. See PCB Regs., Ch. 1, Rule 405 (b) (1). That it costs the tree burner more to avoid pollution than to cause it is no reason to allow pollution. See *Swords v. EPA*, #70-6 (Sept. 2, 1970); *City of Jacksonville v. EPA*, #70-30 (Jan. 27, 1971); *Valence v. EPA*, #70-54 (March 3, 1971).

It should be added that we are presently considering a proposed new regulation regarding open burning, and one proposal before us would change the present rule to allow the open burning of trees under controlled conditions. If in that rule-making proceeding (#70-11) it is shown that alternative disposal methods are indeed less attractive than open burning, we shall reconsider our policy and issue a revised rule. Comments are invited. In the meantime, however, open burning is forbidden.

The petition is dismissed.

I, Regina E. Ryan, do hereby certify that the above opinion and order was approved this 22nd. day of March, 1971.

REGINA E. RYAN  
CLERK OF THE BOARD