

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1971

CITY OF CARROLLTON AND)
CARROLLTON FARMERS ELEVATOR)
COMPANY)
)
)
)
v.) # PCB 71-210
)
)
ENVIRONMENTAL PROTECTION AGENCY)

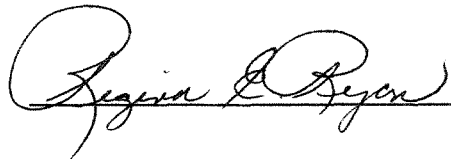
Opinion of the Board (by Mr. Currie):

This is a Petition for variance filed jointly on July 26, 1971 by the City of Carrollton and the Carrollton Farmers Elevator Company to allow open burning of trees, which must be burned as a result of age, disease or storm, by the City of Carrollton. We dismissed the petition August 5 and this opinion gives our reasons. The Carrollton Farmers Elevator Company wishes to burn corn cobs, stating that an average of seventy-five truck loads of corn cobs per year must be disposed of. The alleged hardship with regard to the City of Carrollton is that "compliance with the provisions from which variance is sought would impose an arbitrary or unreasonable hardship because either the trees, logs and limbs must remain where they fall or individual property owners must burn them on the site". The alleged hardship with regard to the Carrollton Farmers Elevator Company is that "compliance with the provisions from which variance is sought would impose on the elevator an unreasonable hardship because the Company would no longer be able to use its corn shelling facility as it would have no way to dispose of the corn cobs after the process was completed".

As we have often pointed out, open burning has been illegal in Illinois since 1965. The joint petitioners allege no facts that make their case different from that of any other municipality or company. What the petitioners seek is not a variance but a repeal of the regulation. Moreover, they have offered only bare conclusions as to their inability to solve their open burning problems in accordance with the rules. 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, January, 1971). There is no allegation as to what the costs of compliance would be and no indication of the extent to which the community might suffer if the variances were granted and, therefore, the petition is fatally deficient.

We have dismissed numerous petitions such as this in the past involving the burning of trees. The only argument here is that it costs more not to pollute than it does to burn in the open. We find this argument totally inadequate to support a petition for variance and, accordingly, order the petition dismissed without prejudice.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 30 day of August, 1971.



Handwritten signature of Regina E. Ryan, written in cursive and underlined.