

ILLINOIS POLLUTION CONTROL BOARD  
August 21, 1985

HANLEY INDUSTRIES, INC.,                    )  
  )  
  Petitioner,                    )  
  )  
  v.                                    )                    PCB 85-125  
  )  
ILLINOIS ENVIRONMENTAL                    )  
PROTECTION AGENCY,                        )  
  )  
  Respondent.                    )

ORDER OF THE BOARD (by J. Anderson):

This petition, filed August 20, 1985, seeks a one year variance to allow the open burning of explosive wastes. The petition is deficient in that it does not:

- a) specify the procedures to be used during burns, such as operating protocol, safety and emergency procedures, and atmospheric conditions during which burns would be conducted;
- b) contain details concerning the costs and availability of alternative disposal options;
- c) contain a compliance plan other than an indicated intent to ask for an extension of variance next year. The Environmental Protection Act contemplates that variance will lead to compliance; if Hanley wishes to continue open burning through the indefinite future, a petition for site-specific rule change might be the more appropriate procedural mechanism;
- d) contain an unequivocal request for hearing or instead a waiver of hearing and an affidavit attesting to the truth of the facts alleged in the petition. A waiver of hearing at this time does not preclude Hanley from requesting a hearing later in the event the Agency recommends that variance be denied.

If an amended petition curing these deficiencies is not filed within 45 days of the date of this Order, this petition will be subject to dismissal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 21<sup>st</sup> day of December, 1985, by a vote of 7-0.

*Dorothy M. Gunn*  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board