

ILLINOIS POLLUTION CONTROL BOARD  
August 29, 1972

CITY OF JACKSONVILLE )  
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 )  
 v. ) #72-353  
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 ENVIRONMENTAL PROTECTION AGENCY )

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

Jacksonville requests a variance to allow its citizens to burn leaves in October and November 1972, alleging that the City has no serious air pollution problem and that the ban on open burning causes an expense that constitutes an unreasonable hardship.

Rather than at this point authorizing a hearing, we call the City's attention to our procedural rule 401, which spells out the types of facts that must be alleged in a variance petition in order to inform the Board and the Environmental Protection Agency, which must investigate the facts alleged in order to prepare its recommendation, as to the facts the petitioner believes justify the relief it seeks. The present brief and conclusory petition does not satisfy this rule nor its purpose of allowing the Agency to perform its investigative and evaluative function. Nor is it clear from the petition that the City is prepared to prove facts which under our precedents would suffice to justify the grant of a variance. We think no one would benefit if we held a hearing only to discover that an important factual element of the City's case had inadvertently not been established. The petition is therefore dismissed without prejudice to the filing of a more complete petition. We call the City's attention to our recent decision in the case of City of Springfield v. EPA, #72-143 (Aug. 15, 1972), involving a somewhat similar request.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order of the Board this 29<sup>th</sup> day of August, 1972, by a vote of 5-0.

*Christan Moffett*