

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1972

In the Matter of:)
)
Proposed Amendments to) R 72-11
Open Burning Regulations))

ORDER

Notice of Proposed Final Draft having been duly given and the Board being fully advised it is ordered that Chapter 2: Air Pollution, Part V: Open Burning of the Rules and Regulations of the Illinois Pollution Control Board be amended as follows:

ILLINOIS POLLUTION CONTROL BOARD
RULES AND REGULATIONS

Ch. 2: AIR POLLUTION
PART V: OPEN BURNING

501 Definitions

(a) Agricultural Wastes: Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, ~~and-landscape-wastes~~ and crop residues but excluding landscape wastes.

(b) Domicile Waste: Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term ~~includes~~ excludes landscape waste, ~~but-excludes~~ garbage and trade waste.

(c) Garbage: Refuse resulting from the handling, processing preparation, cooking, and consumption of food or food products.

(d) Landscape Waste: Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings; ~~-and-crop-residues.~~

(e) Open Burning: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Act.

(f) Refuse: Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(g) Restricted Areas: The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code, plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest federal census.

(h) Trade Waste: Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

502 Prohibitions

(a) No person shall cause or allow open burning, except as provided in Rules 503, 504, and 505 of this Part.

(b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

503 Exemptions. The following activities are not in violation of Section 9(c) of the Environmental Protection Act or of this Part unless they cause air pollution as defined in the Act. Nothing in this Rule shall exempt such activities from applicable local restrictions.

(a) The open burning of agricultural waste, but only:

(1) on the premises on which such waste is generated; and

(2) in areas other than restricted areas; and

(3) when atmospheric conditions will readily dissipate contaminants; and

(4) if such burning does not create a visibility hazard on roadways, railroad tracks, or air fields;

(5) more than 1000 feet from residential or other populated areas; and

(6) when it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(b) The open burning of domicile waste, but only:

(1) on the premises on which such waste is generated; and

(2) in areas other than restricted areas; and

(3) when atmospheric conditions will readily dissipate contaminants.

(4) if such burning does not create a visibility hazard on roadways, railroad tracks, or air fields;

~~(5) notwithstanding subparagraph (2) of this paragraph (b), this exemption shall apply to residents in restricted areas who do not have refuse collection service available to them, but only until July 17, 1972.~~

(c) The open burning of landscape waste, but only:

(1) on the premises on which such waste is generated; and

(2) when atmospheric conditions will readily dissipate contaminants; and

(3) if such burning does not create a visibility hazard on roadways, railroad tracks or air fields;

(4) in those areas of the State which are not in the following prohibited areas:

(i) municipalities having a population in excess of 2,500 according to the latest Federal census.

(ii) municipalities of any size which adjoin a municipality having a population in excess of 2,500.

(iii) all municipalities wholly within 40 air miles of Meigs Field, Chicago, Illinois.

(iv) all municipalities wholly within 20 air miles of McKinley Bridge connecting St. Louis, Missouri and Venice, Illinois.

(v) rural areas 1,000 feet or less from a municipality in which open burning of landscape waste is prohibited.

(d) ~~(e)~~ The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(e) ~~(d)~~ The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases;

(f) ~~(e)~~ The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips of comparable devices to reduce pollution.

(g) ~~(f)~~ Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

504 Permits

(a) The Environmental Protection Agency may grant permits for open burning in the following instances:

(1) For instruction in methods of fire fighting; or for testing of equipment for extinguishing fires, of flares, and signals, or of experimental incinerators, or for research in control of fires;

(2) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;

(3) For research or management in prairie or forest ecology;

~~(4) For the destruction of landscape wastes, provided that such burning shall not occur,~~

~~(i) in restricted areas, unless burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially, or~~

~~(ii) within 1000 feet of any residential or other populated area, or~~

~~(iii) after July 1, 1972 except with the aid of an air curtain destructor or comparable device to reduce contaminant emissions substantially.~~

(4) For the burning of landscape waste in any area of the State if such burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially; and does not occur within 1,000 feet of any residential or other populated area.

(5) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Agency within ten days, thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.

(b) An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the Agency. Such application shall contain, as a minimum, data and information sufficient to inform the Agency with respect to: the exact quantities and types of material to be burned; the exact nature and exact quantities of air contaminant emissions which will result; the exact frequency, including date where appropriate, when such burning will take place, the exact location of the burning site including a map showing distances to residences, populated areas, roadways, air fields, etc; the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; and the reasons why such burning is necessary to the public interest.

(c) No permit shall be granted unless the applicant proves to the satisfaction of the Agency that the open burning: is necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; will have no serious detrimental effect upon adjacent

properties or the occupants thereof.

(d) The Agency may impose such conditions in the permit as may be necessary to accomplish the purposes of the Act or this part.

(e) No permit shall be valid for longer than one year. Applications for renewal of a permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Rule 404(b). The standards for issuance of renewal permits shall be as set forth in Rule 404(c).

(f) Violation of any of the conditions of the permit shall be grounds for revocation of the permit by the Agency, as well as for other sanctions provided in the Act.

(g) The Agency may revise any permit granted pursuant to this Rule, or any condition contained in any such permit.

505 Explosive Waste

Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions in this Part, shall be permitted only upon application for and grant of a variance as provided by the Act and by Chapter 1 of these Rules and Regulations.

506 Local Enforcement

It shall be the obligation of local governments as well as of the Environmental Protection Agency, to enforce by appropriate means the prohibitions in this Part.