

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: OPEN BURNING**

**PART 237
OPEN BURNING**

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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Rules 401 through 406, R70-11, 2 PCB 373, filed and effective September 7, 1971; Renumbered as Chapter 2: Air Pollution, Part V: Open Burning, R72-11, 6 PCB 199, filed and effective November 10, 1972; amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979; amended at 6 Ill. Reg. 14521, effective November 8, 1982; codified at 7 Ill. Reg. 13626; emergency amendment at 17 Ill. Reg. 14176, effective August 23, 1993, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 237.101 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211.

"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 crop residues but excluding landscape wastes.

"Clean Wood Building Debris": The wooden remains of a building. The term excludes rubber, asphalt and nonwooden materials.

"Disaster": A major disaster declared by the President of the United States or the Governor of Illinois.

"Disaster Area": Area in which a major disaster has been declared by the President of the United States or the Governor of Illinois.

"Domicile Waste": Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

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

"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.

"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 (Environmental Protection Act, (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(b))).

"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.

"Restricted Areas": The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 1-1-2), 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.

"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.

(Source: Amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979)

Section 237.102 Prohibitions

- a) No person shall cause or allow open burning, except as provided in 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.

Section 237.103 Explosive Wastes

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 the grant of a variance as provided by the Environmental Protection Act (Act) (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) and by the Pollution Control Board's (Board) Procedural Rules (35 Ill. Adm. Code: Subtitle A, Chapter I).

Section 237.110 Local Enforcement

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

Section 237.120 Exemptions

The following activities are not in violation of Section 9(c) of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(c)) or of this Part unless they cause air pollution as defined in the Act. Nothing in this Section 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; and
 - 5) More than 305 meters (1,000 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;
and
 - 4) If such burning does not create a visibility hazard on roadways,
railroad tracks or air fields.
- 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; and
 - 4) In those areas of the State which are not in the following prohibited
areas:
 - A) Municipalities having a population in excess of 2,500
according to the latest federal census.
 - B) Municipalities of any size which adjoin a municipality
having a population in excess of 2,500.
 - C) All municipalities wholly within 40 air miles (64.5
kilometers) of Meigs Field, Chicago, Illinois.

- D) All municipalities wholly within 20 air miles (32.3 kilometers) of McKinley Bridge connecting St. Louis, Missouri and Venice, Illinois.
 - E) Rural areas 305 meters (1,000 feet) or less from a municipality in which open burning of landscape waste is prohibited.
- d) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgement of the responsible government official.
 - e) 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) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.
 - g) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

Section 237.130 Freeport Air Curtain Destructor

This section applies to an air curtain destructor operated by the City of Freeport within Section 7, Township 26 North, Range 8 East of the Fourth Principal Meridian, Stephenson County.

- a) Burning of landscape waste and clean wood waste in this air curtain destructor pursuant to permit conditions is lawful.
- b) The Agency may grant a permit for this air curtain destructor pursuant to 35 Ill. Adm. Code 201 and Subpart B of this Part.
- c) The existing permit and operating requirements of 35 Ill. Adm. Code 710 and 737 (Parts II and III of Chapter 7) shall not apply to this air curtain destructor; provided, however, that this subsection shall be inoperative in the event the Board, after the effective date of this section, pursuant to Section 22 of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1022), adopts regulations applicable to this air curtain destructor.
- d) If the City of Freeport allows public access to the air curtain destructor site, the Agency shall, as a condition of any permit used for an air curtain destructor, limit access between the landfill and air curtain destructor

areas, sufficient to assure compliance with the Act and Board regulations applicable to the landfill.

(Source: Added at 6 Ill. Reg. 14521, effective November 8, 1982)

SUBPART B: PERMITS

Section 237.201 Available Permits

The Agency may grant permits for open burning in the following instances:

- a) 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;
- b) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;
- c) For research or management in prairie or forest ecology;
- d) 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 305 meters (1,000 feet) of any residential or other populated area;
- e) 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;
- f) In a disaster area, for the open burning of clean wooden building debris, landscape waste and agricultural waste caused by a disaster.

Section 237.202 Permit Application

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.

Section 237.203 Permit Conditions

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

Section 237.204 Standards of Issuance

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. Provided that applications for permits to open burn pursuant to Section 237.201(f) shall contain, as a minimum, data and information sufficient to inform the Agency with respect to: the nature and estimated quantities of the materials to be burned, the manner in which the material to be burned resulted from the disaster, the location of the material to be burned, the date when such burning will take place, and the reasons why alternatives to open burning are not available.

Section 237.205 Duration and Renewal

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 Section 237.202. The standards for issuance of renewal permits shall be as set forth in Section 237.204.

Section 237.206 Revision

The Agency may revise any permit granted pursuant to this rule, or any conditions contained in any such permit.

Section 237.207 Revocation

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.

**Appendix A
Rule into Section Table**

<u>RULE</u>	<u>SECTION</u>
501	237.101
502	237.102

503	237.120
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504(b)	237.202
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505	237.103
506	237.110
550	237.130

Appendix B
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237.103	505
237.110	506
237.120	503
237.130	550
237.201	504(a)
237.202	504(b)
237.203	504(d)
237.204	504(c)
237.205	504(e)
237.206	504(g)
237.207	504(f)