

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 9 as follows:

6 (415 ILCS 5/9) (from Ch. 111 1/2, par. 1009)

7 Sec. 9. Acts prohibited. No person shall:

8 (a) Cause or threaten or allow the discharge or emission
9 of any contaminant into the environment in any State so as to
10 cause or tend to cause air pollution in Illinois, either alone
11 or in combination with contaminants from other sources, or so
12 as to violate regulations or standards adopted by the Board
13 under this Act.

14 (b) Construct, install, or operate any equipment,
15 facility, vehicle, vessel, or aircraft capable of causing or
16 contributing to air pollution or designed to prevent air
17 pollution, of any type designated by Board regulations, (1)
18 without a permit granted by the Agency unless otherwise exempt
19 by this Act or Board regulations or (2) in violation of any
20 conditions imposed by such permit.

21 (c) Cause or allow the open burning of refuse, conduct any
22 salvage operation by open burning, or cause or allow the
23 burning of any refuse in any chamber not specifically designed

1 for the purpose and approved by the Agency pursuant to
2 regulations adopted by the Board under this Act; except that
3 the Board may adopt regulations permitting open burning of
4 refuse in certain cases upon a finding that no harm will result
5 from such burning, or that any alternative method of disposing
6 of such refuse would create a safety hazard so extreme as to
7 justify the pollution that would result from such burning.

8 (d) Sell, offer, or use any fuel or other article in any
9 areas in which the Board may by regulation forbid its sale,
10 offer, or use for reasons of air-pollution control.

11 (e) Use, cause or allow the spraying of loose asbestos for
12 the purpose of fireproofing or insulating any building or
13 building material or other constructions, or otherwise use
14 asbestos in such unconfined manner as to permit asbestos
15 fibers or particles to pollute the air.

16 (f) Commencing July 1, 1985, sell any used oil for burning
17 or incineration in any incinerator, boiler, furnace, burner or
18 other equipment unless such oil meets standards based on
19 virgin fuel oil or re-refined oil, as defined in ASTM D-396 or
20 specifications under VV-F-815C promulgated pursuant to the
21 federal Energy Policy and Conservation Act, and meets the
22 manufacturer's and current NFDA code standards for which such
23 incinerator, boiler, furnace, burner or other equipment was
24 approved, except that this prohibition does not apply to a
25 sale to a permitted used oil re-refining or reprocessing
26 facility or sale to a facility permitted by the Agency to burn

1 or incinerate such oil.

2 Nothing herein shall limit the effect of any section of
3 this Title with respect to any form of asbestos, or the
4 spraying of any form of asbestos, or limit the power of the
5 Board under this Title to adopt additional and further
6 regulations with respect to any form of asbestos, or the
7 spraying of any form of asbestos.

8 This Section shall not limit the burning of landscape
9 waste upon the premises where it is produced or at sites
10 provided and supervised by any unit of local government,
11 except within any county having a population of more than
12 400,000. Nothing in this Section shall prohibit the burning of
13 landscape waste for agricultural purposes, habitat management
14 (including but not limited to forest and prairie reclamation),
15 or firefighter training. For the purposes of this Act, the
16 burning of landscape waste by production nurseries shall be
17 considered to be burning for agricultural purposes.

18 Nothing in this Section shall prohibit the burning of
19 landscape waste by a person engaged in the business of tree
20 removal, at the person's registered place of business,
21 provided that the burning activity (i) is located in a county
22 with a population of 50,000 or less, (ii) is more than 1,000
23 feet from the nearest residence, (iii) is not located in an
24 area with a PM2.5 design value greater than 9 micrograms per
25 cubic meter, (iv) is not located in an area of environmental
26 justice concern, as determined by the Agency's EJ Start tool,

1 and (v) is conducted in accordance with all federal, State,
2 and local laws and ordinances.

3 Any grain elevator located outside of a major population
4 area, as defined in Section 211.3610 of Title 35 of the
5 Illinois Administrative Code, shall be exempt from the
6 requirements of Section 212.462 of Title 35 of the Illinois
7 Administrative Code provided that the elevator: (1) does not
8 violate the prohibitions of subsection (a) of this Section or
9 have a certified investigation, as defined in Section 211.970
10 of Title 35 of the Illinois Administrative Code, on file with
11 the Agency and (2) is not required to obtain a Clean Air Act
12 Permit Program permit pursuant to Section 39.5.
13 Notwithstanding the above exemption, new stationary source
14 performance standards for grain elevators, established
15 pursuant to Section 9.1 of this Act and Section 111 of the
16 federal Clean Air Act, shall continue to apply to grain
17 elevators.

18 (Source: P.A. 97-95, eff. 7-12-11.)