



Rep. Norine K. Hammond

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10300HB1837ham002

LRB103 28087 BDA 71987 a

1 AMENDMENT TO HOUSE BILL 1837

2 AMENDMENT NO. _____. Amend House Bill 1837, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (415 ILCS 5/9) (from Ch. 111 1/2, par. 1009)

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

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

15 (b) Construct, install, or operate any equipment,
16 facility, vehicle, vessel, or aircraft capable of causing or

1 contributing to air pollution or designed to prevent air
2 pollution, of any type designated by Board regulations, (1)
3 without a permit granted by the Agency unless otherwise exempt
4 by this Act or Board regulations or (2) in violation of any
5 conditions imposed by such permit.

6 (c) Cause or allow the open burning of refuse, conduct any
7 salvage operation by open burning, or cause or allow the
8 burning of any refuse in any chamber not specifically designed
9 for the purpose and approved by the Agency pursuant to
10 regulations adopted by the Board under this Act; except that
11 the Board may adopt regulations permitting open burning of
12 refuse in certain cases upon a finding that no harm will result
13 from such burning, or that any alternative method of disposing
14 of such refuse would create a safety hazard so extreme as to
15 justify the pollution that would result from such burning.

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

19 (e) Use, cause or allow the spraying of loose asbestos for
20 the purpose of fireproofing or insulating any building or
21 building material or other constructions, or otherwise use
22 asbestos in such unconfined manner as to permit asbestos
23 fibers or particles to pollute the air.

24 (f) Commencing July 1, 1985, sell any used oil for burning
25 or incineration in any incinerator, boiler, furnace, burner or
26 other equipment unless such oil meets standards based on

1 virgin fuel oil or re-refined oil, as defined in ASTM D-396 or
2 specifications under VV-F-815C promulgated pursuant to the
3 federal Energy Policy and Conservation Act, and meets the
4 manufacturer's and current NFDA code standards for which such
5 incinerator, boiler, furnace, burner or other equipment was
6 approved, except that this prohibition does not apply to a
7 sale to a permitted used oil re-refining or reprocessing
8 facility or sale to a facility permitted by the Agency to burn
9 or incinerate such oil.

10 Nothing herein shall limit the effect of any section of
11 this Title with respect to any form of asbestos, or the
12 spraying of any form of asbestos, or limit the power of the
13 Board under this Title to adopt additional and further
14 regulations with respect to any form of asbestos, or the
15 spraying of any form of asbestos.

16 This Section shall not limit the burning of landscape
17 waste upon the premises where it is produced or at sites
18 provided and supervised by any unit of local government,
19 except within any county having a population of more than
20 400,000. Nothing in this Section shall prohibit the burning of
21 landscape waste for agricultural purposes, habitat management
22 (including but not limited to forest and prairie reclamation),
23 or firefighter training. For the purposes of this Act,
24 "burning of landscape waste for agricultural purposes"
25 includes (i) the burning of landscape waste by production
26 nurseries and (ii) the burning of landscape waste in a county

1 with a population of 50,000 or less and more than 750 feet from
2 the nearest residence by a person engaged in the business of
3 tree removal shall be considered to be burning for
4 agricultural purposes.

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

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