**Section 255.170 Open Burning**

a) No person shall cause or allow open burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility, except as provided in this Section.

b) Any burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility located 1,000 feet or less from a residential or other populated area shall be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5] and rules adopted under that Act (35 Ill. Adm. Code 201).

c) The open burning of combustible agrichemical containers is permissible at the field where the chemicals are applied, provided the following conditions are met:

1) Containers holding liquid agrichemical formulations have been triple rinsed;

2) Containers holding dry or solid formulations have been emptied to the extent feasible;

3) Atmospheric conditions will readily dissipate the contaminants;

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

5) The burning occurs more than 1,000 feet from residential or other populated area;

6) It can be shown that it is the most efficient disposal method available, based upon factors including, but not limited to, cost, location, and type of waste;

7) The burning does not cause air pollution as defined in the Illinois Environmental Protection Act; and

8) The area where the burning occurs is not subject to State or local restrictions.

d) Until January 1, 1995, the open burning of combustible agrichemical containers is permissible at an agrichemical facility provided the following conditions are met:

1) Containers holding liquid agrichemical formulations have been triple rinsed;

2) Containers holding dry or solid formulations have been emptied to the extent feasible;

3) Each burning event shall be limited to 40 items (e.g., bags, cartons, plastic jugs) or less;

4) Atmospheric conditions will readily dissipate the contaminants;

5) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;

6) The burning occurs more than 1,000 feet from residential or other populated area;

7) It can be shown that it is the most efficient disposal method available, based upon factors including, but not limited to, cost, location, and type of waste;

8) The burning does not cause air pollution as defined in Sections 3.02 and 9 of the Illinois Environmental Protection Act [415 ILCS 5/3.02 and 9];

9) The area where the burning occurs is not subject to State or local restrictions; and

10) Ashes and other residues resulting from the open burning shall be protected against contact by precipitation and disposed of in accordance with the Environmental Protection Act [415 ILCS 5] and the rules adopted under that Act (35 Ill. Adm. Code 807).

(Source: Amended at 19 Ill. Reg. 6787, effective May 8, 1995)