



Sen. Neil Anderson

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10300HB1837sam001

LRB103 28087 BDA 73131 a

1 AMENDMENT TO HOUSE BILL 1837

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

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

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

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

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

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

23 (f) Commencing July 1, 1985, sell any used oil for burning
24 or incineration in any incinerator, boiler, furnace, burner or
25 other equipment unless such oil meets standards based on
26 virgin fuel oil or re-refined oil, as defined in ASTM D-396 or

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

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

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

25 Nothing in this Section shall prohibit the burning of
26 landscape waste by a person engaged in the business of tree

1 removal, at the person's registered place of business,
2 provided that the burning activity (i) is located in a county
3 with a population of 50,000 or less, (ii) is more than 1,000
4 feet from the nearest residence, (iii) is not located in an
5 area with a PM2.5 design value greater than 9 micrograms per
6 cubic meter, (iv) is not located in an area of environmental
7 justice concern, as determined by the Agency's EJ Start tool,
8 and (v) is conducted in accordance with all federal, State,
9 and local laws and ordinances.

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

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