

HB4881



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4881

Introduced 2/7/2024, by Rep. Dennis Tipsword, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9

from Ch. 111 1/2, par. 1009

Amends the Environmental Protection Act. Specifies that certain air pollution control prohibitions in the Act do not apply to open burning that is conducted by a municipality or fire protection district to provide instruction in the methods of firefighting, to test equipment for extinguishing fires, or to conduct research in the control of fires, if the municipality or fire protection district secures and maintains liability insurance coverage in an amount deemed sufficient by the Environmental Protection Agency by rule.

LRB103 36531 JAG 66638 b

A BILL FOR

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 Any grain elevator located outside of a major population
19 area, as defined in Section 211.3610 of Title 35 of the
20 Illinois Administrative Code, shall be exempt from the
21 requirements of Section 212.462 of Title 35 of the Illinois
22 Administrative Code provided that the elevator: (1) does not
23 violate the prohibitions of subsection (a) of this Section or
24 have a certified investigation, as defined in Section 211.970
25 of Title 35 of the Illinois Administrative Code, on file with
26 the Agency and (2) is not required to obtain a Clean Air Act

1 Permit Program permit pursuant to Section 39.5.
2 Notwithstanding the above exemption, new stationary source
3 performance standards for grain elevators, established
4 pursuant to Section 9.1 of this Act and Section 111 of the
5 federal Clean Air Act, shall continue to apply to grain
6 elevators.

7 This Section does not apply to open burning that is
8 conducted by a municipality or fire protection district to
9 provide instruction in the methods of firefighting, to test
10 equipment for extinguishing fires, or to conduct research in
11 the control of fires, if the municipality or fire protection
12 district secures and maintains liability insurance coverage in
13 an amount deemed sufficient by the Agency by rule.

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