



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/4/2004, by George P. Shadid

**SYNOPSIS AS INTRODUCED:**

415 ILCS 5/9

from Ch. 111 1/2, par. 1009

Amends the Environmental Protection Act. Makes a technical change in a Section concerning prohibited acts causing air pollution.

LRB093 20830 BDD 46755 b

1 AN ACT concerning environmental protection.

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 of  
9 any contaminant into the environment in any state ~~State~~ so as  
10 to cause or tend to cause air pollution in Illinois, either  
11 alone or in combination with contaminants from other sources,  
12 or so as to violate regulations or standards adopted by the  
13 Board 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, without  
18 a permit granted by the Agency, or in violation of any  
19 conditions imposed by such permit;

20 (c) Cause or allow the open burning of refuse, conduct any  
21 salvage operation by open burning, or cause or allow the  
22 burning of any refuse in any chamber not specifically designed  
23 for the purpose and approved by the Agency pursuant to  
24 regulations adopted by the Board under this Act; except that  
25 the Board may adopt regulations permitting open burning of  
26 refuse in certain cases upon a finding that no harm will result  
27 from such burning, or that any alternative method of disposing  
28 of such refuse would create a safety hazard so extreme as to  
29 justify the pollution that would result from such burning;

30 (d) Sell, offer, or use any fuel or other article in any  
31 areas in which the Board may by regulation forbid its sale,  
32 offer, or use for reasons of air-pollution control;

1 (e) Use, cause or allow the spraying of loose asbestos for  
2 the purpose of fireproofing or insulating any building or  
3 building material or other constructions, or otherwise use  
4 asbestos in such unconfined manner as to permit asbestos fibers  
5 or particles to pollute the air;

6 (f) Commencing July 1, 1985, sell any used oil for burning  
7 or incineration in any incinerator, boiler, furnace, burner or  
8 other equipment unless such oil meets standards based on virgin  
9 fuel oil or re-refined oil, as defined in ASTM D-396 or  
10 specifications under VV-F-815C promulgated pursuant to the  
11 federal Energy Policy and Conservation Act, and meets the  
12 manufacturer's and current NFPA code standards for which such  
13 incinerator, boiler, furnace, burner or other equipment was  
14 approved, except that this prohibition does not apply to a sale  
15 to a permitted used oil re-refining or reprocessing facility or  
16 sale to a facility permitted by the Agency to burn or  
17 incinerate such oil.

18 Nothing herein shall limit the effect of any section of  
19 this Title with respect to any form of asbestos, or the  
20 spraying of any form of asbestos, or limit the power of the  
21 Board under this Title to adopt additional and further  
22 regulations with respect to any form of asbestos, or the  
23 spraying of any form of asbestos.

24 This Section shall not limit the burning of landscape waste  
25 upon the premises where it is produced or at sites provided and  
26 supervised by any unit of local government, except within any  
27 county having a population of more than 400,000. Nothing in  
28 this Section shall prohibit the burning of landscape waste for  
29 agricultural purposes, habitat management (including but not  
30 limited to forest and prairie reclamation), or firefighter  
31 training. For the purposes of this Act, the burning of  
32 landscape waste by production nurseries shall be considered to  
33 be burning for agricultural purposes.

34 Any grain elevator located outside of a major population  
35 area, as defined in Section 211.3610 of Title 35 of the  
36 Illinois Administrative Code, shall be exempt from the

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

13 (Source: P.A. 88-488; 89-328, eff. 8-17-95; 89-491, eff.  
14 6-21-96.)