authorized by other provisions in this Part, shall be permitted only upon application for and grant of a variance as provided by the Environmental Protection Act (Act) (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) and by the Pollution Control Board's (Board) Procedural Rules (35 Ill. Adm. Code: Subtitle A, Chapter I).

Section 237.110 Local Enforcement

It shall be the obligation of local governments as well as of the Environmental Protection Agency (Agency), to enforce by appropriate means the prohibitions of this Part.

Section 237.120 Exemptions

The following activities are not in violation of Section 9(c) of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(c)) or of this Part unless they cause air pollution as defined in the Act. Nothing in this Section shall exempt such activities from applicable local restrictions.

a) The open burning of agricultural waste, but only:

1) On the premises on which such waste is generated; and

2) In areas other than restricted areas; and

3) When atmospheric conditions will readily dissipate contaminants; and

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

5) More than 305 meters (1,000 feet) from residential or other populated areas; and

6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

b) The open burning of domicile waste, but only:

1) On the premises on which such waste is generated; and

2) In areas other than restricted areas; and

3) When atmospheric conditions will readily dissipate contaminants; and

4) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields.

c) The open burning of landscape waste, but only:

1) On the premises on which such waste is generated; and

2) When atmospheric conditions will readily dissipate contaminants; and

3) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields; and

4) In those areas of the State which are not in the following prohibited areas:

A) Municipalities having a population in excess of 2,500 according to the latest federal census.

B) Municipalities of any size which adjoin a municipality having a population in excess of 2,500.

C) All municipalities wholly within 40 air miles (64.5 kilometers) of Meigs Field, Chicago, Illinois.

D) All municipalities wholly within 20 air miles (32.3 kilometers) of McKinley Bridge connecting St. Louis, Missouri and Venice, Illinois.

E) Rural areas 305 meters (1,000 feet) or less from a municipality in which open burning of landscape waste is prohibited.

d) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

e) The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

f) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

g) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

Section 237.130 Freeport Air Curtain Destructor

This Section applies to an air curtain destructor operated by the City of Freeport within Section 7, Township 26 North, Range 8 East of the Fourth Principal Meridian, Stephenson County.

a) Burning of landscape waste and clean wood waste in this air curtain destructor pursuant to permit conditions is lawful.

b) The Agency may grant a permit for this air curtain destructor pursuant to 35 Ill. Adm. Code 201 and Subpart B of this Part.

c) The existing permit and operating requirements of 35 Ill. Adm. Code 710 and 717 (Parts II and III of Chapter 7) shall not apply to this air curtain destructor;