TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: OPEN BURNING

PART 237
OPEN BURNING

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AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Rules 401 through 406, R70-11, 2 PCB 373, filed and effective September 7, 1971; Renumbered as Chapter 2: Air Pollution, Part V: Open Burning, R72-11, 6 PCB 199, filed and effective November 10, 1972; amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979; amended at 6 Ill. Reg. 14521, effective November 8, 1982; codified at 7 Ill. Reg. 13626.

SUBPART A: GENERAL PROVISIONS

Section 237.101 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211.

"Agricultural Wastes": any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials and crop residues but excluding landscape wastes.

"Clean Wood Building Debris": the wooden remains of a building. The term excludes rubber, asphalt and nonwooden materials.

"Disaster": a major disaster declared by the President of the United States or the Governor of Illinois.

"Disaster Area": area in which a major disaster has been declared by the President of the United States or the Governor of Illinois.

"Domicile Waste": any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

"Garbage": refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

"Landscape Waste": any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

"Open Burning": the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Act (Environmental Protection Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(b)).

"Refuse": any discarded matter, or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

"Restricted Areas": the area within the boundaries of any "municipality" as defined in the Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 1-1-2), plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest federal census.

"Trade Waste": any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

(Source: Amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979)

Section 237.102 Prohibitions

a) No person shall cause or allow open burning, except as provided in this Part.

b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

Section 237.103 Explosive Waste

Open burning of wastes creating a hazard of explosion, fire or other serious harm, unless