



PUBLIC HEALTH IS PRICELESS

VERMILION COUNTY HEALTH DEPARTMENT

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STATE BURNING RULES SUMMARY

According to the 2006 Environmental Protection Act, "open burning" is defined as "the combustion of any matter in the open or in an open dump." Section 21(p)(3) of the Act prohibits open burning at an open dump site (any accumulation of waste from one or more sources that is not a landfill).

Section 9(c) of the Act prohibits the burning of any refuse in any chamber not approved by the Illinois Environmental Protection Agency.

Section 9(a) of the Act prohibits "caus(ing) or threaten(ing) or allow(ing) the discharge or emission of any contaminant into the environment ... so as to cause or tend to cause air pollution." The Act defines "air pollution" as "the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property."

The end of Section 9 of the Act states that the Section shall not limit the burning of landscape waste on the property where it was generated nor the burning of landscape waste at sites provided and supervised by any unit of local government, as long as the county's population does not exceed 400,000.

The Act also leaves the door open for the Illinois Pollution Control Board to pass additional burning regulations. The Board did so, and Subtitle B, Section 237.120(b) of the Board's Rules and Regulations allows the open burning of domicile waste on the property where it was generated, as long as it does not cause air pollution.

The Regulations define "domicile waste" as "any refuse generated on single-family domiciliary activities. The term excludes landscape waste, garbage and trade waste."

"Garbage" is defined as "refuse resulting from the handling, processing, preparation, cooking and consumption of food or food product." "Trade waste" is defined as "any refuse resulting from the prosecution of any trade, business, industry, commercial venue, utility or service activity, and any governmental or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste."

Counties, townships, cities and villages are free to pass burning regulations which are more strict – but not less strict -that state burning rules.

(For your information, the Illinois Environmental Protection Act is cross-indexed as 415 ILCS Illinois Compiled Statutes 5/1 et al; the Illinois Pollution Control Board Rules and Regulations are cross-indexed as 35 Illinois Administrative Code Subtitle B)

IN PRACTICE, the Vermilion County Health Department will investigate all complaints of burning. Open burning of landscape waste only on the property where it was generated or at a government-provided and supervised site -- regardless of the time of day -- is not a violation of state law and will not be pursued by this department.

The open burning of domicile waste (paper, cardboard, etc.) on the property where it was generated is not a violation of the Regulations until someone complains about it. At that point, it may be considered air pollution and may be subject to enforcement.

State open burning rules are enforced by the Vermilion County Health Department in conjunction with the Illinois Environmental Protection Agency through the county's Solid Waste Enforcement Decision Group. People involved in open burning could face two \$1,500 administrative citations for dumping and burning waste, formal enforcement or criminal misdemeanor charges.

Buildings can be burned down as part of fire department training exercises. The fire department must first obtain a special permit through the Air Pollution Bureau of the Illinois Environmental Protection Agency.

Any questions should be directed to Daniel Balgeman or LeeAnn Chezem of the Vermilion County Health Department at 431-2662, or the Illinois Environmental Protection Agency at 278-5800 or 782-2113.