

Illinois EPA Fact Sheet

OPEN BURNING PERMITS

Who regulates open burning?

1. The Illinois Pollution Control Board (Board) and the Illinois Environmental Protection Agency (Illinois EPA or Agency) regulate open burning.

Pursuant to 415 ILCS 5/9(c):

No person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency...except that the Board may adopt regulations permitting open burning of refuse in certain cases.

2. Local (counties or municipalities, i.e., villages, towns, or cities) authorities/governments may also regulate open burning in areas where they have jurisdiction.

State law or regulation does not override local prohibitions or limitations on open burning. Local ordinances may be more restrictive and must be followed. Local ordinances may require that additional permits be obtained.

What is open burning?

Open burning is the combustion of any matter in the open or in an open dump.
415 ILCS 5/3.300.

Open burning permits are issued for the following burning activities (the applicant must complete and submit the appropriate application form):

- Fire Fighter Training/Fire Extinguisher Training
 - Application for Open Burning Permit (Form APC 325)
 - Notice of Demolition & Renovation Form (APC 430)
 - Illinois Historic Preservation Agency (IHPA) Submittal & Clearance Form
- Landscape Waste w/Air Curtain Destructor
 - Application for Open Burning Permit (Form APC 325)
- Prairie & Ecological Landscape Burns
 - Application for Open Burning Permit (Form APC 325)
- Disaster Debris Open Burning
 - Disaster Area Open Burning Permit Application Form

Where do I go to find open burning permit applications?

- To view open burning permit information and obtain applications, go to <http://www.epa.state.il.us/air/permits/openburn/index.html>

- For other state environmental information, go to <http://www.epa.state.il.us/index.html>

Are there standard conditions that must be followed when burning pursuant to an open burning permit?

Yes, these “Standard Conditions for Open Burning” are found at: <http://www.epa.state.il.us/air/stateforms/171-apc.pdf>

Is there a fee for open burning permits?

No, open burning permits are free.

Where do I send in my open burning permit application?

Open burning permit applications may be mailed to:

Illinois EPA, Bureau of Air
1021 N. Grand Ave East
P.O. Box 19276
Springfield, IL 62794-9276

When can I expect to receive my open burning permit?

The Illinois EPA has ninety days (90) by law to issue open burning permits.

Do I need a separate permit for each burn site?

Permit applicants may apply for multiple burn locations under a single permit application.

When does my open burning permit expire?

Permits are typically issued for a term of one year, after which time they expire.

How do I renew my open burning permit?

The renewal application should be sent to the Illinois EPA at least 90 days prior to expiration of the current permit.

Illinois Laws and Regulations on Open Burning Allow the Following Activities Without a Permit:

- Cooking and campfires are allowed on private property and in public areas where specified.

The Following Activities are Never Allowed or Permitted:

- Open burning of waste by a business is illegal (except for landscape waste generated to maintain the property and agricultural waste generated on the property under limited circumstances).
 - Examples of waste that can never be burned: commercial waste, garbage (i.e., food, food scraps, food packaging, and diapers), construction/demolition debris, tires, and materials containing asbestos.

- Open burning of garbage, construction/demolition debris, tires, and materials containing asbestos is always prohibited.

If you live in any Illinois town or within one mile of a town with a population of 1,000 or more:

- It is illegal to burn anything except for landscape waste. *Local ordinances may be more restrictive and must be followed.*

« FIREFIGHTER TRAINING/FIRE EXTINGUISHER TRAINING »

- An Open Burning Permit must be obtained from the Illinois EPA.
- Houses donated for Firefighter Training/Fire Extinguisher Training must be free-standing establishments.
 - Structures already demolished and/or debris are not eligible for donation to fire departments and may not be burned.
- Structures are required to have an asbestos inspection - all asbestos containing materials must be removed prior to the burn.

« PRAIRIE & ECOLOGICAL LANDSCAPE BURNS »

Prescribed Burning means the planned application of fire to natural or planted vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which caused the fire to be confined to a predetermined area and accomplish the planned land management or ecological objectives – pursuant to Illinois Department of Natural Resources (Illinois DNR).

It is recommended that “prescribed” burns be conducted between October 1 and April 30 - the time frame established for prescribed burns in central Illinois by Illinois DNR.

Burn Managers should develop a prescribed burn plan. Example plans are available from Illinois DNR: <http://dnr.state.il.us/>, or Natural Resources Conservation Services: <http://www.nrcs.usda.gov/>

- An Open Burning Permit must be obtained from the Illinois EPA.
- *Local ordinances may be more restrictive and must be followed. Such ordinances may require additional permits. Please check with the county and unit of local government where the prescribed burn will occur.*

Prescribed Burning and Smoke Management:

Prescribed burning should be conducted in accordance with Illinois EPA approved permit conditions and follow applicable standard conditions, as well as any special conditions outlined in the Open Burning Permit.

Smoke Management: For the purpose of Smoke Management “prescribed” burns managed for resource benefits should be conducted in accordance with guidance outlined in the Draft Illinois Smoke Management Program. Smoke management components in burn plans should include:

- Actions to minimize prescriptive fire emissions,
- Methods for evaluating smoke dispersion, including using National Weather Service daily fire weather planning forecast information and a dispersion index,
- Public notifications and exposure reduction procedures, and
- Air quality monitoring of sensitive receptors.

Burn Managers in non-attainment areas of the state should use the Air Quality Index to monitor daily air quality conditions and delay burning on “Orange” or worse “Air Pollution Action Days”: <http://www.epa.state.il.us/air/index.html>

« AGRICULTURAL WASTE & OPEN BURNING »

Agricultural Waste: Is any refuse *generated on site* on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues - excluding garbage, dead animals, buildings, corn cribs, and landscape waste.

Agriculture waste may be burned if the following criteria are met:

- *Open burning is restricted to the site where the waste is generated (35 Ill. Adm. Code 237.120 (a)(1))*
- Open burning is not allowed in restricted areas.
 - Restricted area is any city, village, or incorporated township plus a zone extending one mile beyond the boundaries when there is a population of 1,000 or more. (35 Ill. Adm. Code 237.101)
- Open burning is prohibited if it hampers visibility on roadways, railroad tracks, or airfields.
- Open burning must be more than 1,000 feet from residential or other populated areas.
- The owner/operator must show that no reasonable and economic alternative method of disposal is available. (35 Ill. Adm. Code 237.120(a)(6))
- *Local ordinances may be more restrictive and must be followed.*

« LANDSCAPE WASTE & OPEN BURNING »

Landscape waste: Is leaves, grass, tree limbs, shrubbery cuttings, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.

Is it illegal to burn leaves in Illinois?

It depends on the local laws and ordinances as units of local governments have the authority to impose limitations on burning landscape waste including limiting

the hours when such burning may occur, types of material allowed, as well as a total ban of open burning (e.g., leaf-burning ban). There is no state law or regulatory ban on leaf burning, however, local laws and ordinances govern.

While there are no state laws that prohibit open burning of landscape waste, restrictions do exist:

- *If allowed by local authorities/governments, leaves may only be burned on the site where they are generated, or at sites provided and supervised by a local government.*
- Local governments may ban the open burning of landscape waste and other materials.
- Local governments may regulate burning by specifying times and/or weather conditions during which open burning may occur.

« COMMERCIAL/TRADE WASTE & OPEN BURNING »

Commercial Waste: Is waste generated by a business, industry, and government institutions.

- It is illegal to burn commercial waste in the state of Illinois, except for landscape and agriculture waste *generated on the property* and under limited circumstances.
- Landscape waste generated for the purpose of clearing land for new development/business *is a trade waste* and may only be burned with an air curtain incinerator and after obtaining the appropriate permits.
- *Local ordinances may be more restrictive and must be followed.*

« DISASTER DEBRIS & OPEN BURNING »

Disaster Debris: Is tree limbs, brush, natural wood and plant debris, agricultural waste (bags, cartons, dry bedding, structural materials and crop residue), canvass sandbags, clean wood building debris, and lumber.

Disaster debris may be burned if the following criteria are met:

- If the Governor of Illinois or the President of the United States *declares a major disaster.* (20 ILCS 3305/11)
 - The area(s) in which the major disaster has been declared are defined. (20 ILCS 3305/11)
- Once a disaster is declared, open burning of disaster debris may occur through the Disaster Area Open Burning Permit Application process along with adherence to local laws and regulations.

Does the burning of all disaster debris require an open burning permit?

No, the following disaster debris **DOES NOT REQUIRE AN OPEN BURNING PERMIT:**

- Tree limbs, brush, natural wood, and plant debris may be burned;
(1) On the *site where they are generated*, and

- (2) At *community sites* under supervision of the local government.
- Agricultural waste such as bags, cartons, dry bedding, structural materials and crop residue may also be burned on the *site where they are generated*.
- Local governments (counties or municipalities, i.e., villages, towns, or cities) may also regulate open burning, and those rules govern if they are more restrictive. ***State law and regulation does not override local prohibitions or limitations on open burning.***

When is a permit required when burning disaster debris?

The following types of disaster debris REQUIRE AN OPEN BURNING PERMIT:

- Clean wood building debris, lumber, and canvas sandbags – regardless of site where such waste is generated.
- If using an **Air Curtain Destructor**, the owner or operator must obtain an open burning permit from the Illinois EPA pursuant to 35 Ill. Adm. Code Part 237 and comply with the requirements for local siting, if applicable, as set forth in Section 39.2 of the Act (415 ILCS 5/39.2). Note that under the Emergency Power Act, the Governor may suspend the requirements for a permit and siting when an area has been declared a disaster.

Is a Disaster Area Open Burning Permit always required during declared disasters?

- Unless otherwise indicated above, or the requirement for such permits is suspended by the Governor, open burning permits are required from the Illinois EPA during times of declared disasters.
- Local governments may likewise exempt all or part of local prohibitions and local permit requirements during declared disasters. Local governments cannot suspend the requirement to obtain an open burning permit from the Illinois EPA.

- ♦ Units of local government can apply for **multiple burn locations under a single permit** application, and are encouraged to do so.
- ♦ Applicants other than units of local government can also apply for multiple burn locations under a single permit if the applicant provides proof in the application that the proposed activities have been coordinated with the unit of local government and the local Fire Protection District.

!!Under no circumstances is open burning of **Asbestos containing materials and Tires** allowed!!

- If permit is required, complete a Disaster Area Open Burning Permit Application Form found at <http://www.epa.state.il.us/air/permits/openburn/index.html>
- FAX completed form to (217) 524-5023.
- The Illinois EPA typically issues Disaster Area Open Burning Permits within 1 - 2 days after receipt of the application; however, upon request the Illinois EPA can expedite permits in the event of an emergency.

- Disaster Area Open Burning Permits are typically issued for a short period (e.g., covering from 30 to 90 days) after which time they expire.

GENERAL CONDITIONS for the Open Burning of Disaster Debris
<ol style="list-style-type: none"> 1. Coordinate the burn with the local Fire Protection District. 2. Conduct the burn when the wind is blowing away from roadways, railroad tracks, airfields, and populated areas. 3. Provide on-site supervision of the burn location. 4. Burning occur only from approximately 9 am to 6 pm to get the best natural smoke dispersion conditions

« WOODSTOVES »

Are Woodstoves prohibited in Illinois?

- The use of woodstoves is not prohibited in Illinois; however, the type of materials that may be burned as a fuel and the manner in which such stoves may be operated is limited to the fuels and the operation and maintenance procedures specified by the manufacturer of the stove.
- Local governments have the authority to adopt ordinances limiting or prohibiting this type of activity.
- *Local ordinances may be more restrictive and must be followed.*

« CONTACT INFORMATION »

- ❖ For further information or if you have any questions please contact Floyd McKinney in the Bureau of Air Permit Section at (217) 782-2113. In the event that Floyd McKinney is not available, a secondary contact in the event of an emergency is John Blazis at (217) 524-0636.
- ❖ For a listing of local Illinois EPA field offices visit:
<http://www.epa.state.il.us/about/locations.html>

Last Revised: April 21, 2008