

1 AN ACT in relation to 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
5 by changing Sections 53, 55.6, and 55.8 as follows:

6 (415 ILCS 5/53) (from Ch. 111 1/2, par. 1053)

7 Sec. 53. Used tires; findings and purposes.

8 (a) The General Assembly finds:

9 (1) that used and waste tires constitute a growing
10 solid waste problem of considerable magnitude that is
11 exacerbated by the fact that tires do not readily degrade
12 or decompose;

13 (2) that the accumulation of used and waste tires
14 constitutes a fire hazard and a threat to air and water
15 quality;

16 (3) that unmanaged used and waste tire sites
17 encourage open dumping of other types of waste;

18 (4) that used and waste tire accumulations pose a
19 threat to the public health, safety and welfare by
20 providing habitat for a number of disease-spreading
21 mosquitoes and other nuisance organisms, and that the
22 transport of used tires has introduced such mosquitoes
23 into the State and dispersed them;

24 (5) that State and local governmental agencies need
25 the ability to remove, or cause the removal of, used and
26 waste tire accumulations as necessary to abate or correct
27 hazards to public health and to protect the environment;
28 and

29 (6) that used and waste tires may also afford a
30 significant economic opportunity for recycling into new
31 and useful products or as a source of fuel.

1 (b) It is the purpose of this Act:

2 (1) to ensure that used and waste tires are
3 collected and are put to beneficial use or properly
4 disposed of;

5 (2) to provide for the abatement of used and waste
6 tire dumps, other habitats for disease-spreading
7 mosquitoes, and associated threats to the public health
8 and welfare;

9 (3) to encourage the development of used and waste
10 tire processing facilities and technologies, including
11 energy recovery; and

12 (4) to provide for public health surveillance,
13 disease prevention, and research on disease vectors
14 associated with used and waste tires, and the diseases
15 they spread.

16 It shall be the policy of the State of Illinois to
17 provide for the recovery, recycling and reuse of materials
18 from scrap vehicle tires. The following hierarchy shall be
19 in effect for tires generated for waste management in this
20 State:

21 (1) Reuse of tire casings for remanufacture or
22 retreading.

23 (2) Processing of tires into marketable products,
24 such as stamped parts from portions of tire casings.

25 (3) Total destruction of tires into a uniform
26 product that is marketable as a fuel or recycled material
27 feedstock, including such products as tire-derived fuel,
28 or recovered rubber for recycling into rubber or other
29 products or as an asphalt additive.

30 (4) Total destruction of tires through primary
31 shredding to produce a nonuniform product for use as in
32 road beds or other construction applications, or at a
33 landfill or similar site for erosion control or cover.

34 (5) Total destruction of tires to a nonuniform

1 product consistency for direct landfill disposal.

2 (Source: P.A. 86-452; 87-727.)

3 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

4 Sec. 55.6. Used Tire Management Fund.

5 (a) There is hereby created in the State Treasury a
6 special fund to be known as the Used Tire Management Fund.
7 There shall be deposited into the Fund all monies received as
8 (1) recovered costs or proceeds from the sale of used tires
9 under Section 55.3 of this Act, (2) repayment of loans from
10 the Used Tire Management Fund, or (3) penalties or punitive
11 damages for violations of this Title, except as provided by
12 subdivision (b)(4) or (b)(4-5) of Section 42.

13 (b) Beginning January 1, 1992, in addition to any other
14 fees required by law, the owner or operator of each site
15 required to be registered under subsection (d) of Section 55
16 shall pay to the Agency an annual fee of \$100. Fees collected
17 under this subsection shall be deposited into the
18 Environmental Protection Permit and Inspection Fund.

19 (c) Pursuant to appropriation, monies up to an amount of
20 \$2 million per fiscal year from the Used Tire Management Fund
21 shall be allocated as follows:

22 (1) 38% shall be available to the Agency for the
23 following purposes, provided that priority shall be given
24 to item (i):

25 (i) To undertake preventive, corrective or
26 removal action as authorized by and in accordance
27 with Section 55.3, and to recover costs in
28 accordance with Section 55.3.

29 (ii) For the performance of inspection and
30 enforcement activities for used and waste tire
31 sites.

32 (iii) To assist with marketing of used tires
33 by augmenting the operations of an industrial

1 materials exchange service.

2 (iv) To provide financial assistance to units
3 of local government for the performance of
4 inspecting, investigating and enforcement activities
5 pursuant to subsection (r) of Section 4 at used and
6 waste tire sites.

7 (v) To provide financial assistance for used
8 and waste tire collection projects sponsored by
9 local government or not-for-profit corporations.

10 (vi) For the costs of fee collection and
11 administration relating to used and waste tires, and
12 to accomplish such other purposes as are authorized
13 by this Act and regulations thereunder.

14 (2) 23% shall be available to the Department of
15 Commerce and Community Affairs for the following
16 purposes, provided that priority shall be given to item
17 (A):

18 (A) To provide grants or loans for the
19 purposes of:

20 (i) assisting units of local government
21 and private industry in the establishment of
22 facilities and programs to collect, process and
23 utilize used and waste tires and tire derived
24 materials;

25 (ii) demonstrating the feasibility of
26 innovative technologies as a means of
27 collecting, storing, processing and utilizing
28 used and waste tires and tire derived
29 materials; and

30 (iii) applying demonstrated technologies
31 as a means of collecting, storing, processing,
32 and utilizing used and waste tires and tire
33 derived materials.

34 (B) To develop educational material for use by

1 officials and the public to better understand and
2 respond to the problems posed by used tires and
3 associated insects.

4 (C) (Blank).

5 (D) To perform such research as the Director
6 deems appropriate to help meet the purposes of this
7 Act.

8 (E) To pay the costs of administration of its
9 activities authorized under this Act.

10 (3) 25% shall be available to the Illinois
11 Department of Public Health for the following purposes:

12 (A) To investigate threats or potential
13 threats to the public health related to mosquitoes
14 and other vectors of disease associated with the
15 improper storage, handling and disposal of tires,
16 improper waste disposal, or natural conditions.

17 (B) To conduct surveillance and monitoring
18 activities for mosquitoes and other arthropod
19 vectors of disease, and surveillance of animals
20 which provide a reservoir for disease-producing
21 organisms.

22 (C) To conduct training activities to promote
23 vector control programs and integrated pest
24 management as defined in the Vector Control Act.

25 (D) To respond to inquiries, investigate
26 complaints, conduct evaluations and provide
27 technical consultation to help reduce or eliminate
28 public health hazards and nuisance conditions
29 associated with mosquitoes and other vectors.

30 (E) To provide financial assistance to units
31 of local government for training, investigation and
32 response to public nuisances associated with
33 mosquitoes and other vectors of disease.

34 (4) 2% shall be available to the Department of

1 Agriculture for its activities under the Illinois
2 Pesticide Act relating to used and waste tires.

3 (5) 2% shall be available to the Pollution Control
4 Board for administration of its activities relating to
5 used and waste tires.

6 (6) 10% shall be available to the Department of
7 Natural Resources for the Illinois Natural History Survey
8 to perform research to study the biology, distribution,
9 population ecology, and biosystematics of tire-breeding
10 arthropods, especially mosquitoes, and the diseases they
11 spread.

12 (d) By January 1, 1998, and biennially thereafter,
13 each State agency receiving an appropriation from the Used
14 Tire Management Fund shall report to the Governor and the
15 General Assembly on its activities relating to the Fund.

16 (e) Any monies appropriated from the Used Tire
17 Management Fund, but not obligated, shall revert to the Fund.

18 (f) In administering the provisions of subdivisions (1),
19 (2) and (3) of subsection (c) of this Section, the Agency,
20 the Department of Commerce and Community Affairs, and the
21 Illinois Department of Public Health shall ensure that
22 appropriate funding assistance is provided to any
23 municipality with a population over 1,000,000 or to any
24 sanitary district which serves a population over 1,000,000.

25 (g) Pursuant to appropriation, monies in excess of \$2
26 million per fiscal year from the Used Tire Management Fund
27 shall be used as follows:

28 (1) 55% shall be available to the Agency to
29 undertake preventive, corrective or renewed action as
30 authorized by and in accordance with Section 55.3 and to
31 recover costs in accordance with Section 55.3.

32 (2) 45% shall be available to the Department of
33 Commerce and Community Affairs to provide grants or loans
34 for the purposes of:

1 (i) assisting units of local government and
2 private industry in the establishment of facilities
3 and programs to collect, process and utilize waste
4 tires and tire derived material;

5 (ii) demonstrating the feasibility of
6 innovative technologies as a means of collecting,
7 storing, processing, and utilizing used and waste
8 tires and tire derived materials; and

9 (iii) applying demonstrated technologies as a
10 means of collecting, storing, processing, and
11 utilizing used and waste tires and tire derived
12 materials.

13 (h) Pursuant to appropriation, all moneys from the \$1
14 per tire increase in the tire fee imposed under Section 55.8
15 made by this amendatory Act of the 93rd General Assembly
16 shall be made available to the Illinois Department of Public
17 Health for:

18 (1) distribution to certified local health
19 departments, to be used for the following purposes:

20 (A) to investigate threats or potential
21 threats to the public health related to mosquitoes
22 and other vectors of disease associated with the
23 improper storage, handling, and disposal of tires,
24 improper waste disposal, or natural conditions;

25 (B) to conduct surveillance and monitoring
26 activities for mosquitoes and other arthropod
27 vectors of disease, and surveillance of animals
28 which provide a reservoir for disease-producing
29 organisms;

30 (C) to conduct training activities to promote
31 vector control programs and integrated pest
32 management as defined in the Vector Control Act; and

33 (D) to respond to inquiries, investigate
34 complaints, conduct evaluations, and provide

1 technical consultation to help reduce or eliminate
2 public health hazards and nuisance conditions
3 associated with mosquitoes and other vectors; and
4 (2) providing financial assistance to units of
5 local government for training, investigation, abatement,
6 and response to public nuisances associated with
7 mosquitoes and other vectors of disease.

8 (Source: P.A. 91-856, eff. 6-22-00; 92-16, eff. 6-28-01.)

9 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

10 Sec. 55.8. Tire retailers.

11 (a) Beginning July 1, 2003 ~~1992~~, any person selling
12 tires at retail or offering tires for retail sale in this
13 State shall:

14 (1) collect from retail customers a fee of \$2 ~~one~~
15 ~~dollar~~ per tire sold and delivered in this State to be
16 paid to the Department of Revenue and deposited into the
17 Used Tire Management Fund, less a collection allowance of
18 10 cents per tire to be retained by the retail seller and
19 a collection allowance of 10 cents per tire to be
20 retained by the Department of Revenue and paid into the
21 General Revenue Fund;

22 (2) accept for recycling used tires from customers,
23 at the point of transfer, in a quantity equal to the
24 number of new tires purchased; and

25 (3) post in a conspicuous place a written notice at
26 least 8.5 by 11 inches in size that includes the
27 universal recycling symbol and the following statements:
28 "DO NOT put used tires in the trash."; "Recycle your used
29 tires."; and "State law requires us to accept used tires
30 for recycling, in exchange for new tires purchased."

31 (b) A person who accepts used tires for recycling under
32 subsection (a) shall not allow the tires to accumulate for
33 periods of more than 90 days.

1 (c) The requirements of subsection (a) of this Section
2 do not apply to mail order sales nor shall the retail sale of
3 a motor vehicle be considered to be the sale of tires at
4 retail or offering of tires for retail sale. Instead of
5 filing returns, retailers of tires may remit the tire user
6 fee of ~~one dollar~~ per tire to their suppliers of tires if the
7 supplier of tires is a registered retailer of tires and
8 agrees or otherwise arranges to collect and remit the tire
9 fee to the Department of Revenue, notwithstanding the fact
10 that the sale of the tire is a sale for resale and not a sale
11 at retail. A tire supplier who enters into such an
12 arrangement with a tire retailer shall be liable for the tax
13 on all tires sold to the tire retailer and must (i) provide
14 the tire retailer with a receipt that separately reflects the
15 tire tax collected from the retailer on each transaction and
16 (ii) accept used tires for recycling from the retailer's
17 customers. The tire supplier shall be entitled to the
18 collection allowance of 10 cents per tire.

19 The retailer of the tires must maintain in its books and
20 records evidence that the appropriate fee was paid to the
21 tire supplier and that the tire supplier has agreed to remit
22 the fee to the Department of Revenue for each tire sold by
23 the retailer. Otherwise, the tire retailer shall be directly
24 liable for the fee on all tires sold at retail. Tire
25 retailers paying the fee to their suppliers are not entitled
26 to the collection allowance of 10 cents per tire.

27 (d) The requirements of subsection (a) of this Section
28 shall apply exclusively to tires to be used for vehicles
29 defined in Section 1-217 of the Illinois Vehicle Code,
30 aircraft tires, special mobile equipment, and implements of
31 husbandry.

32 (e) The requirements of paragraph (1) of subsection (a)
33 do not apply to the sale of reprocessed tires. For purposes
34 of this Section, "reprocessed tire" means a used tire that

1 has been recapped, retreaded, or regrooved and that has not
2 been placed on a vehicle wheel rim.

3 (Source: P.A. 90-14, eff. 7-1-97.)

4 Section 99. Effective date. This Act takes effect July
5 1, 2003.