

1 AN ACT concerning environmental safety.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by changing
5 Section 6p-2 and adding Section 5.595 as follows:

6 (30 ILCS 105/5.595 new)

7 Sec. 5.595. The Emergency Public Health Fund.

8 (30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

9 Sec. 6p-2. The Communications Revolving Fund shall be
10 initially financed by a transfer of funds from the General
11 Revenue Fund. Thereafter, all fees and other monies received
12 by the Department of Central Management Services in payment
13 for communications services rendered pursuant to the
14 Department of Central Management Services Law or sale of
15 surplus State communications equipment shall be paid into the
16 Communications Revolving Fund. Except as otherwise provided
17 in this Section, the money in this fund shall be used by the
18 Department of Central Management Services as reimbursement
19 for expenditures incurred in relation to communications
20 services.

21 On the effective date of this amendatory Act of the 93rd
22 General Assembly, or as soon as practicable thereafter, the
23 State Comptroller shall order transferred and the State
24 Treasurer shall transfer \$3,000,000 from the Communications
25 Revolving Fund to the Emergency Public Health Fund to be used
26 for the purposes specified in Section 55.6a of the
27 Environmental Protection Act.

28 (Source: P.A. 91-239, eff. 1-1-00; 92-316, eff. 8-9-01.)

1 Section 10. The Environmental Protection Act is amended
2 by changing Sections 55 and 55.8 and adding Section 55.6a as
3 follows:

4 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)
5 Sec. 55. Prohibited activities.

6 (a) No person shall:

7 (1) Cause or allow the open dumping of any used or
8 waste tire.

9 (2) Cause or allow the open burning of any used or
10 waste tire.

11 (3) Except at a tire storage site which contains
12 more than 50 used tires, cause or allow the storage of
13 any used tire unless the tire is altered, reprocessed,
14 converted, covered, or otherwise prevented from
15 accumulating water.

16 (4) Cause or allow the operation of a tire storage
17 site except in compliance with Board regulations.

18 (5) Abandon, dump or dispose of any used or waste
19 tire on private or public property, except in a sanitary
20 landfill approved by the Agency pursuant to regulations
21 adopted by the Board.

22 (6) Fail to submit required reports, tire removal
23 agreements, or Board regulations.

24 (b) (Blank.)

25 (b-1) Beginning January 1, 1995, no person shall
26 knowingly mix any used or waste tire, either whole or cut,
27 with municipal waste, and no owner or operator of a sanitary
28 landfill shall accept any used or waste tire for final
29 disposal; except that used or waste tires, when separated
30 from other waste, may be accepted if: (1) the sanitary
31 landfill provides and maintains a means for shredding,
32 slitting, or chopping whole tires and so treats whole tires
33 and, if approved by the Agency in a permit issued under this

1 Act, uses the used or waste tires for alternative uses, which
2 may include on-site practices such as lining of roadways with
3 tire scraps, alternative daily cover, or use in a leachate
4 collection system or (2) the sanitary landfill, by its
5 notification to the Illinois Industrial Materials Exchange
6 Service, makes available the used or waste tire to an
7 appropriate facility for reuse, reprocessing, or converting,
8 including use as an alternate energy fuel. If, within 30
9 days after notification to the Illinois Industrial Materials
10 Exchange Service of the availability of waste tires, no
11 specific request for the used or waste tires is received by
12 the sanitary landfill, and the sanitary landfill determines
13 it has no alternative use for those used or waste tires, the
14 sanitary landfill may dispose of slit, chopped, or shredded
15 used or waste tires in the sanitary landfill. In the event
16 the physical condition of a used or waste tire makes
17 shredding, slitting, chopping, reuse, reprocessing, or other
18 alternative use of the used or waste tire impractical or
19 infeasible, then the sanitary landfill, after authorization
20 by the Agency, may accept the used or waste tire for
21 disposal.

22 Sanitary landfills and facilities for reuse,
23 reprocessing, or converting, including use as alternative
24 fuel, shall (i) notify the Illinois Industrial Materials
25 Exchange Service of the availability of and demand for used
26 or waste tires and (ii) consult with the Department of
27 Commerce and Community Affairs regarding the status of
28 marketing of waste tires to facilities for reuse.

29 (c) ~~On or before January 1, 1990,~~ Any person who sells
30 new or used tires at retail or operates a tire storage site
31 or a tire disposal site which contains more than 50 used or
32 waste tires shall give notice of such activity to the Agency.
33 Any person engaging in such activity for the first time after
34 January 1, 1990, shall give notice to the Agency within 30

1 days after the date of commencement of the activity. The
2 form of such notice shall be specified by the Agency and
3 shall be limited to information regarding the following:

- 4 (1) the name and address of the owner and operator;
- 5 (2) the name, address and location of the
6 operation;
- 7 (3) the type of operations involving used and waste
8 tires (storage, disposal, conversion or processing); and
- 9 (4) the number of used and waste tires present at
10 the location.

11 (d) Beginning January 1, 1992, no person shall cause or
12 allow the operation of:

- 13 (1) a tire storage site which contains more than 50
14 used tires, unless the owner or operator, by January 1,
15 1992 (or the January 1 following commencement of
16 operation, whichever is later) and January 1 of each year
17 thereafter, (i) registers the site with the Agency, (ii)
18 certifies to the Agency that the site complies with any
19 applicable standards adopted by the Board pursuant to
20 Section 55.2, (iii) reports to the Agency the number of
21 tires accumulated, the status of vector controls, and the
22 actions taken to handle and process the tires, and (iv)
23 pays the fee required under subsection (b) of Section
24 55.6; or

- 25 (2) a tire disposal site, unless the owner or
26 operator (i) has received approval from the Agency after
27 filing a tire removal agreement pursuant to Section 55.4,
28 or (ii) has entered into a written agreement to
29 participate in a consensual removal action under Section
30 55.3.

31 The Agency shall provide written forms for the annual
32 registration and certification required under this subsection
33 (d).

34 (e) No person shall cause or allow the storage,

1 disposal, treatment or processing of any used or waste tire
2 in violation of any regulation or standard adopted by the
3 Board.

4 (f) No person shall arrange for the transportation of
5 used or waste tires away from the site of generation with a
6 person known to openly dump such tires.

7 (g) No person shall engage in any operation as a used or
8 waste tire transporter except in compliance with Board
9 regulations.

10 (h) No person shall cause or allow the combustion of any
11 used or waste tire in an enclosed device unless a permit has
12 been issued by the Agency authorizing such combustion
13 pursuant to regulations adopted by the Board for the control
14 of air pollution and consistent with the provisions of
15 Section 9.4 of this Act.

16 (i) No person shall cause or allow the use of pesticides
17 to treat tires except as prescribed by Board regulations.

18 (j) No person shall fail to comply with the terms of a
19 tire removal agreement approved by the Agency pursuant to
20 Section 55.4.

21 (Source: P.A. 92-574, eff. 6-26-02.)

22 (415 ILCS 5/55.6a new)

23 Sec. 55.6a. Emergency Public Health Fund.

24 (a) Beginning on July 1, 2003, moneys in the Emergency
25 Public Health Fund, subject to appropriation, shall be
26 allocated annually as follows: (i) \$200,000 to the Department
27 of Natural Resources for the purposes described in Section
28 55.6(c)(6) and (ii) subject to subsection (b) of this
29 Section, all remaining amounts to the Department of Public
30 Health to be used to make vector control grants and
31 surveillance grants to the Cook County Department of Public
32 Health (for areas of the County excluding the City of
33 Chicago), to the City of Chicago health department, and to

1 other certified local health departments. These grants shall
2 be used for expenses related to West Nile Virus and other
3 vector-borne diseases. The amount of each grant shall be
4 based on population and need as supported by information
5 submitted to the Department of Public Health. For the
6 purposes of this Section, need shall be determined by the
7 Department based primarily upon surveillance data and the
8 number of positive human cases of West Nile Virus and other
9 vector-borne diseases occurring during the preceding year and
10 current year in the county or municipality seeking the grant.

11 (b) Beginning on July 31, 2003, on the last day of each
12 month, the State Comptroller shall order transferred and the
13 State Treasurer shall transfer the fees collected in the
14 previous month pursuant to item (1.5) of subsection (a) of
15 Section 55.8 from the Emergency Public Health Fund to the
16 Communications Revolving Fund. These transfers shall
17 continue until the cumulative total of the transfers is
18 \$3,000,000.

19 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

20 Sec. 55.8. Tire retailers.

21 (a) Beginning July 1, 1992, any person selling new or
22 used tires at retail or offering new or used tires for retail
23 sale in this State shall:

24 (1) collect from retail customers a fee of one
25 dollar per new and used tire sold and delivered in this
26 State to be paid to the Department of Revenue and
27 deposited into the Used Tire Management Fund, less a
28 collection allowance of 10 cents per tire to be retained
29 by the retail seller and a collection allowance of 10
30 cents per tire to be retained by the Department of
31 Revenue and paid into the General Revenue Fund;

32 (1.5) beginning on July 1, 2003, collect from
33 retail customers an additional 50 cents per new or used

1 tire sold and delivered in this State. The money
2 collected from this fee shall be deposited into the
3 Emergency Public Health Fund. This fee shall no longer
4 be collected beginning on January 1, 2008.

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

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

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

17 (c) The requirements of subsection (a) of this Section
18 do not apply to mail order sales nor shall the retail sale of
19 a motor vehicle be considered to be the sale of tires
20 at retail or offering of tires for retail sale. Instead of
21 filing returns, retailers of tires may remit the tire user
22 fee of \$1.00 per tire to their suppliers of tires if the
23 supplier of tires is a registered retailer of tires and
24 agrees or otherwise arranges to collect and remit the tire
25 fee to the Department of Revenue, notwithstanding the fact
26 that the sale of the tire is a sale for resale and not a sale
27 at retail. A tire supplier who enters into such an
28 arrangement with a tire retailer shall be liable for the tax
29 on all tires sold to the tire retailer and must (i) provide
30 the tire retailer with a receipt that separately reflects the
31 tire tax collected from the retailer on each transaction and
32 (ii) accept used tires for recycling from the retailer's
33 customers. The tire supplier shall be entitled to the
34 collection allowance of 10 cents per tire.

1 The retailer of the tires must maintain in its books and
2 records evidence that the appropriate fee was paid to the
3 tire supplier and that the tire supplier has agreed to remit
4 the fee to the Department of Revenue for each tire sold by
5 the retailer. Otherwise, the tire retailer shall be directly
6 liable for the fee on all tires sold at retail. Tire
7 retailers paying the fee to their suppliers are not entitled
8 to the collection allowance of 10 cents per tire.

9 (d) The requirements of subsection (a) of this Section
10 shall apply exclusively to tires to be used for vehicles
11 defined in Section 1-217 of the Illinois Vehicle Code,
12 aircraft tires, special mobile equipment, and implements of
13 husbandry.

14 (e) The requirements of paragraph (1) of subsection (a)
15 do not apply to the sale of reprocessed tires. For purposes
16 of this Section, "reprocessed tire" means a used tire that
17 has been recapped, retreaded, or regrooved and that has not
18 been placed on a vehicle wheel rim.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.