

1 AN ACT concerning safety.

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 by  
5 changing Sections 55, 55.1, 55.2, and 55.6 as follows:

6 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

7 Sec. 55. Prohibited activities.

8 (a) No person shall:

9 (1) Cause or allow the open dumping of any used or  
10 waste tire.

11 (2) Cause or allow the open burning of any used or  
12 waste tire.

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

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

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

23 (6) Fail to submit required reports, tire removal

1 agreements, or Board regulations.

2 (b) (Blank.)

3 (b-1) Beginning January 1, 1995, no person shall knowingly  
4 mix any used or waste tire, either whole or cut, with municipal  
5 waste, and no owner or operator of a sanitary landfill shall  
6 accept any used or waste tire for final disposal; except that  
7 used or waste tires, when separated from other waste, may be  
8 accepted if: (1) the sanitary landfill provides and maintains a  
9 means for shredding, slitting, or chopping whole tires and so  
10 treats whole tires and, if approved by the Agency in a permit  
11 issued under this Act, uses the used or waste tires for  
12 alternative uses, which may include on-site practices such as  
13 lining of roadways with tire scraps, alternative daily cover,  
14 or use in a leachate collection system or (2) the sanitary  
15 landfill, by its notification to the Illinois Industrial  
16 Materials Exchange Service, makes available the used or waste  
17 tire to an appropriate facility for reuse, reprocessing, or  
18 converting, including use as an alternate energy fuel. If,  
19 within 30 days after notification to the Illinois Industrial  
20 Materials Exchange Service of the availability of waste tires,  
21 no specific request for the used or waste tires is received by  
22 the sanitary landfill, and the sanitary landfill determines it  
23 has no alternative use for those used or waste tires, the  
24 sanitary landfill may dispose of slit, chopped, or shredded  
25 used or waste tires in the sanitary landfill. In the event the  
26 physical condition of a used or waste tire makes shredding,

1     slitting, chopping, reuse, reprocessing, or other alternative  
2     use of the used or waste tire impractical or infeasible, then  
3     the sanitary landfill, after authorization by the Agency, may  
4     accept the used or waste tire for disposal.

5             Sanitary landfills and facilities for reuse, reprocessing,  
6     or converting, including use as alternative fuel, shall (i)  
7     notify the Illinois Industrial Materials Exchange Service of  
8     the availability of and demand for used or waste tires and (ii)  
9     consult with the Department of Commerce and Economic  
10    Opportunity regarding the status of marketing of waste tires to  
11    facilities for reuse.

12            (c) Any person who sells new or used tires at retail or  
13    operates a tire storage site or a tire disposal site which  
14    contains more than 50 used or waste tires shall give notice of  
15    such activity to the Agency. Any person engaging in such  
16    activity for the first time after January 1, 1990, shall give  
17    notice to the Agency within 30 days after the date of  
18    commencement of the activity. The form of such notice shall be  
19    specified by the Agency and shall be limited to information  
20    regarding the following:

- 21                   (1) the name and address of the owner and operator;
- 22                   (2) the name, address and location of the operation;
- 23                   (3) the type of operations involving used and waste  
24    tires (storage, disposal, conversion or processing); and
- 25                   (4) the number of used and waste tires present at the  
26    location.

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

3 (1) a tire storage site which contains more than 50  
4 used tires, unless the owner or operator, by January 1,  
5 1992 (or the January 1 following commencement of operation,  
6 whichever is later) and January 1 of each year thereafter,  
7 (i) registers the site with the Agency, except that the  
8 registration requirement in this item (i) does not apply in  
9 the case of a tire storage site required to be permitted  
10 under subsection (d-5), (ii) certifies to the Agency that  
11 the site complies with any applicable standards adopted by  
12 the Board pursuant to Section 55.2, (iii) reports to the  
13 Agency the number of tires accumulated, the status of  
14 vector controls, and the actions taken to handle and  
15 process the tires, and (iv) pays the fee required under  
16 subsection (b) of Section 55.6; or

17 (2) a tire disposal site, unless the owner or operator  
18 (i) has received approval from the Agency after filing a  
19 tire removal agreement pursuant to Section 55.4, or (ii)  
20 has entered into a written agreement to participate in a  
21 consensual removal action under Section 55.3.

22 The Agency shall provide written forms for the annual  
23 registration and certification required under this subsection  
24 (d).

25 (d-4) On or before January 1, 2015, the owner or operator  
26 of each tire storage site that contains used tires totaling

1 more than 10,000 passenger tire equivalents, or at which more  
2 than 500 tons of used tires are processed in a calendar year,  
3 shall submit documentation demonstrating its compliance with  
4 Board rules adopted under this Title. This documentation must  
5 be submitted on forms and in a format prescribed by the Agency.

6 (d-5) Beginning July 1, 2016, no person shall cause or  
7 allow the operation of a tire storage site that contains used  
8 tires totaling more than 10,000 passenger tire equivalents, or  
9 at which more than 500 tons of used tires are processed in a  
10 calendar year, without a permit granted by the Agency or in  
11 violation of any conditions imposed by that permit, including  
12 periodic reports and full access to adequate records and the  
13 inspection of facilities, as may be necessary to ensure  
14 compliance with this Act and with regulations and standards  
15 adopted under this Act.

16 (d-6) No person shall cause or allow the operation of a  
17 tire storage site in violation of the financial assurance rules  
18 established by the Board under subsection (b) of Section 55.2  
19 of this Act. In addition to the remedies otherwise provided  
20 under this Act, the State's Attorney of the county in which the  
21 violation occurred, or the Attorney General, may, at the  
22 request of the Agency or on his or her own motion, institute a  
23 civil action for an immediate injunction, prohibitory or  
24 mandatory, to restrain any violation of this subsection (d-6)  
25 or to require any other action as may be necessary to abate or  
26 mitigate any immediate danger or threat to public health or the

1 environment at the site. Injunctions to restrain a violation of  
2 this subsection (d-6) may include, but are not limited to, the  
3 required removal of all tires for which financial assurance is  
4 not maintained and a prohibition against the acceptance of  
5 tires in excess of the amount for which financial assurance is  
6 maintained.

7 (e) No person shall cause or allow the storage, disposal,  
8 treatment or processing of any used or waste tire in violation  
9 of any regulation or standard adopted by the Board.

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

13 (g) No person shall engage in any operation as a used or  
14 waste tire transporter except in compliance with Board  
15 regulations.

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

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

24 (j) No person shall fail to comply with the terms of a tire  
25 removal agreement approved by the Agency pursuant to Section  
26 55.4.

1 (k) No person shall:

2 (1) Cause or allow water to accumulate in used or waste  
3 tires. The prohibition set forth in this paragraph (1) of  
4 subsection (k) shall not apply to used or waste tires  
5 located at a residential household, as long as not more  
6 than 12 used or waste tires are located at the site.

7 (2) Fail to collect a fee required under Section 55.8  
8 of this Title.

9 (3) Fail to file a return required under Section 55.10  
10 of this Title.

11 (4) Transport used or waste tires in violation of the  
12 registration and vehicle placarding requirements adopted  
13 by the Board.

14 (Source: P.A. 96-737, eff. 8-25-09.)

15 (415 ILCS 5/55.1) (from Ch. 111 1/2, par. 1055.1)  
16 Sec. 55.1.

17 (a) The prohibitions set forth in subdivision (a)(3) of  
18 Section 55 of this Act shall not apply to used tires:

19 (1) generated and located at a site as a result of the  
20 growing and harvesting of agricultural crops or the raising  
21 of animals, as long as not more than 20 used tires are  
22 located at the site;

23 (2) located at a residential household, as long as not  
24 more than 12 used tires are located at the site; or

25 (3) which were placed in service for recreational

1 purposes prior to January 1, 1990 at a school, park or  
2 playground, provided that the used tires are altered by  
3 January 1, 1992.

4 (b) The prohibitions set forth in subdivisions (a)(3),  
5 (a)(4), (c), (d), (d-5), (d-6), (e), (g), and (k)(4) of Section  
6 55 of this Act shall not apply to used or waste tires collected  
7 by a not-for-profit corporation if:

8 (1) the collection location has been approved by the  
9 applicable general purpose unit of local government;

10 (2) the collected tires are transported to a facility  
11 permitted by the Agency to store, process or dispose of  
12 used or waste tires within 7 days after collection; and

13 (3) the collection does not occur as a continuous  
14 business operation.

15

16 (c) The prohibitions set forth in subdivisions (a)(3),  
17 (a)(4), (c), (d), (d-5), (d-6), (e), (g), and (k)(4) of Section  
18 55 of this Act shall not apply to used or waste tires collected  
19 by the State or a unit of local government, provided that:

20 (1) the collection is part of an established program to  
21 take preventive or corrective action regarding such tires;

22 (2) any staging sites for handling such tires are  
23 reasonably secure and regularly maintained in a safe  
24 manner; and

25 (3) the Agency is notified in writing during January of  
26 each calendar year regarding the location of the staging

1 sites, the number of such tires accumulated, the status of  
2 vector controls, and actions taken to process such tires.

3 The Agency shall provide written confirmation to a State  
4 agency or unit of local government regarding the applicability  
5 of this subsection upon receipt of a written description of its  
6 established program, and each January following receipt of the  
7 annual report required under subdivision (c)(3) of this  
8 subsection.

9 For purposes of determining the applicability of this  
10 subsection, any municipality with a population over 1,000,000  
11 may certify to the Agency by January 1, 1990 that it operates  
12 an established program. Upon the filing of such a  
13 certification, the established program shall be deemed to  
14 satisfy the provisions of subdivisions (1) and (2) of this  
15 subsection.

16 (d) The prohibitions set forth in subdivision (a)(5) of  
17 Section 55 of this Act shall not apply to used tires that are  
18 generated and located at a permitted coal mining site after use  
19 on specialized coal hauling and extraction vehicles.

20 (Source: P.A. 96-737, eff. 8-25-09.)

21 (415 ILCS 5/55.2) (from Ch. 111 1/2, par. 1055.2)

22 Sec. 55.2. (a) Not later than July 1, 1990, the Agency  
23 shall propose regulations which prescribe standards for the  
24 storage, disposal, processing and transportation of used and  
25 waste tires.

1 (b) Not later than one year after the receipt of the  
2 Agency's proposed regulations, the Board shall adopt, pursuant  
3 to Sections 27 and 28 of this Act, regulations which are  
4 consistent with the provisions of this Title. These regulations  
5 shall, at a minimum, specify: recordkeeping and reporting  
6 requirements; criteria for minimizing the danger of tire fires,  
7 including dimensions for piling tires and minimum aisle  
8 spacing; financial assurance criteria; and criteria for  
9 distinguishing storage from disposal. In addition, such  
10 regulations shall prohibit the use of pesticides as an ongoing  
11 means of demonstrating compliance with this Title.

12 (b-5) Not later than 6 months after the effective date of  
13 this amendatory Act of the 98th General Assembly, the Agency  
14 shall propose, and, not later than 9 months after receipt of  
15 the Agency's proposal, the Board shall adopt, revisions to the  
16 rules adopted under this Title that are necessary to conform  
17 those rules to the requirements of this Title, including, but  
18 not limited to, revisions to those rules that are necessary to  
19 implement the changes made to this Act by this amendatory Act  
20 of the 98th General Assembly.

21 (c) In adopting regulations under this Section, the Board  
22 may impose different requirements for different categories of  
23 used or waste tire storage, disposal, transport, and  
24 processing.

25 (d) Nothing in this Section shall be construed as limiting  
26 the general authority of the Board to promulgate regulations

1 pursuant to Title VII of this Act.

2 (Source: P.A. 86-452.)

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 special  
6 fund to be known as the Used Tire Management Fund. There shall  
7 be deposited into the Fund all monies received as (1) recovered  
8 costs or proceeds from the sale of used tires under Section  
9 55.3 of this Act, (2) repayment of loans from the Used Tire  
10 Management Fund, or (3) penalties or punitive damages for  
11 violations of this Title, except as provided by subdivision  
12 (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 or permitted under subsection (d) or  
16 (d-5) of Section 55 shall pay to the Agency an annual fee of  
17 \$100. Fees collected under this subsection shall be deposited  
18 into the Environmental Protection Permit and Inspection Fund.

19 (c) Pursuant to appropriation, monies up to an amount of \$2  
20 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 removal

1 action as authorized by and in accordance with Section  
2 55.3, and to recover costs in accordance with Section  
3 55.3.

4 (ii) For the performance of inspection and  
5 enforcement activities for used and waste tire sites.

6 (iii) To assist with marketing of used tires by  
7 augmenting the operations of an industrial materials  
8 exchange service.

9 (iv) To provide financial assistance to units of  
10 local government for the performance of inspecting,  
11 investigating and enforcement activities pursuant to  
12 subsection (r) of Section 4 at used and waste tire  
13 sites.

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

17 (vi) For the costs of fee collection and  
18 administration relating to used and waste tires, and to  
19 accomplish such other purposes as are authorized by  
20 this Act and regulations thereunder.

21 (vii) To provide financial assistance to units of  
22 local government and private industry for the purposes  
23 of:

24 (A) assisting in the establishment of  
25 facilities and programs to collect, process, and  
26 utilize used and waste tires and tire-derived

1           materials;

2                   (B) demonstrating the feasibility of  
3                   innovative technologies as a means of collecting,  
4                   storing, processing, and utilizing used and waste  
5                   tires and tire-derived materials; and

6                   (C) applying demonstrated technologies as a  
7                   means of collecting, storing, processing, and  
8                   utilizing used and waste tires and tire-derived  
9                   materials.

10           (2) For fiscal years beginning prior to July 1, 2004,  
11           23% shall be available to the Department of Commerce and  
12           Economic Opportunity for the following purposes, provided  
13           that priority shall be given to item (A):

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

15                           (i) assisting units of local government and  
16                           private industry in the establishment of  
17                           facilities and programs to collect, process and  
18                           utilize used and waste tires and tire derived  
19                           materials;

20                           (ii) demonstrating the feasibility of  
21                           innovative technologies as a means of collecting,  
22                           storing, processing and utilizing used and waste  
23                           tires and tire derived materials; and

24                           (iii) applying demonstrated technologies as a  
25                           means of collecting, storing, processing, and  
26                           utilizing used and waste tires and tire derived

1 materials.

2 (B) To develop educational material for use by  
3 officials and the public to better understand and  
4 respond to the problems posed by used tires and  
5 associated insects.

6 (C) (Blank).

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

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

11 (2.1) For the fiscal year beginning July 1, 2004 and  
12 for all fiscal years thereafter, 23% shall be deposited  
13 into the General Revenue Fund.

14 (3) 25% shall be available to the Illinois Department  
15 of Public Health for the following purposes:

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

21 (B) To conduct surveillance and monitoring  
22 activities for mosquitoes and other arthropod vectors  
23 of disease, and surveillance of animals which provide a  
24 reservoir for disease-producing organisms.

25 (C) To conduct training activities to promote  
26 vector control programs and integrated pest management

1 as defined in the Vector Control Act.

2 (D) To respond to inquiries, investigate  
3 complaints, conduct evaluations and provide technical  
4 consultation to help reduce or eliminate public health  
5 hazards and nuisance conditions associated with  
6 mosquitoes and other vectors.

7 (E) To provide financial assistance to units of  
8 local government for training, investigation and  
9 response to public nuisances associated with  
10 mosquitoes and other vectors of disease.

11 (4) 2% shall be available to the Department of  
12 Agriculture for its activities under the Illinois  
13 Pesticide Act relating to used and waste tires.

14 (5) 2% shall be available to the Pollution Control  
15 Board for administration of its activities relating to used  
16 and waste tires.

17 (6) 10% shall be available to the Department of Natural  
18 Resources for the Illinois Natural History Survey to  
19 perform research to study the biology, distribution,  
20 population ecology, and biosystematics of tire-breeding  
21 arthropods, especially mosquitoes, and the diseases they  
22 spread.

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

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

3 (f) In administering the provisions of subdivisions (1),  
4 (2) and (3) of subsection (c) of this Section, the Agency, the  
5 Department of Commerce and Economic Opportunity, and the  
6 Illinois Department of Public Health shall ensure that  
7 appropriate funding assistance is provided to any municipality  
8 with a population over 1,000,000 or to any sanitary district  
9 which serves a population over 1,000,000.

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

13 (1) 55% shall be available to the Agency for the  
14 following purposes, provided that priority shall be given  
15 to subparagraph (A):

16 (A) To ~~to~~ undertake preventive, corrective or  
17 renewed action as authorized by and in accordance with  
18 Section 55.3 and to recover costs in accordance with  
19 Section 55.3.

20 (B) To provide financial assistance to units of  
21 local government and private industry for the purposes  
22 of:

23 (i) assisting in the establishment of  
24 facilities and programs to collect, process, and  
25 utilize used and waste tires and tire-derived  
26 materials;

1                   (ii) demonstrating the feasibility of  
2                   innovative technologies as a means of collecting,  
3                   storing, processing, and utilizing used and waste  
4                   tires and tire-derived materials; and

5                   (iii) applying demonstrated technologies as a  
6                   means of collecting, storing, processing, and  
7                   utilizing used and waste tires and tire-derived  
8                   materials.

9           (2) For fiscal years beginning prior to July 1, 2004,  
10       45% shall be available to the Department of Commerce and  
11       Economic Opportunity to provide grants or loans for the  
12       purposes of:

13                   (i) assisting units of local government and  
14                   private industry in the establishment of facilities  
15                   and programs to collect, process and utilize waste  
16                   tires and tire derived material;

17                   (ii) demonstrating the feasibility of innovative  
18                   technologies as a means of collecting, storing,  
19                   processing, and utilizing used and waste tires and tire  
20                   derived materials; and

21                   (iii) applying demonstrated technologies as a  
22                   means of collecting, storing, processing, and  
23                   utilizing used and waste tires and tire derived  
24                   materials.

25       (3) For the fiscal year beginning July 1, 2004 and for  
26       all fiscal years thereafter, 45% shall be deposited into

1           the General Revenue Fund.

2           (Source: P.A. 92-16, eff. 6-28-01; 93-839, eff. 7-30-04.)

3           Section 99. Effective date. This Act takes effect upon  
4           becoming law.