

POLLUTION CONTROL BOARD

~~NOTICE OF PROPOSED AMENDMENTS~~

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER m: USED AND WASTE TIRES

RECEIVED  
MAR 02 2015  
STATE OF ILLINOIS  
Pollution Control Board

PART 848  
MANAGEMENT OF USED AND WASTE TIRES

SUBPART A: GENERAL

Section

~~848.101      Applicability~~  
~~848.102      Severability~~  
~~848.103      Other Regulations~~  
~~848.104      Definitions~~  
~~848.105      Incorporation by Reference~~  
~~848.106      Estimating the Weight of Used and Waste Tire Accumulations~~

[848.101](#)      [Applicability](#)  
[848.102](#)      [Severability](#)  
[848.103](#)      [Other Regulations](#)  
[848.104](#)      [Definitions](#)  
[848.105](#)      [Incorporation by Reference](#)  
[848.106](#)      [Estimating the Weight of Used and Waste Tire Accumulations](#)

SUBPART B: MANAGEMENT STANDARDS

Section

~~848.201      Applicability~~  
~~848.202      Requirements~~  
~~848.203      Contingency Planning and Emergency Response~~  
~~848.204      Storage of Used and Waste Tires Within Buildings~~  
~~848.205      Pesticide Treatment~~  
~~848.206      Exemptions for Tire Retreading Facilities (Repealed)~~  
~~848.207      Exemptions for Tire Stamping & Die Cutting Facilities (Repealed)~~  
~~848.208      Exemptions for Sites With a Tire Removal Agreement (Repealed)~~

[848.201](#)      [Applicability](#)  
[848.202](#)      [Requirements](#)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<u>848.203</u>	<u>Contingency Planning and Emergency Response</u>
<u>848.204</u>	<u>Storage of Used and Waste Tires Within Buildings</u>
<u>848.205</u>	<u>Pesticide Treatment</u>
<u>848.206</u>	<u>Exemptions for Tire Retreading Facilities (Repealed)</u>
<u>848.207</u>	<u>Exemptions for Tire Stamping &amp; Die Cutting Facilities (Repealed)</u>
<u>848.208</u>	<u>Exemptions for Sites With a Tire Removal Agreement (Repealed)</u>

SUBPART C: RECORDKEEPING AND REPORTING

Section	
<u>848.301</u>	<u>Applicability</u>
<u>848.302</u>	<u>Records</u>
<u>848.303</u>	<u>Daily Tire Record</u>
<u>848.304</u>	<u>Annual Tire Summary</u>
<u>848.305</u>	<u>Tire Tracking Receipts</u>
<u>848.306</u>	<u>Certification</u>
<u>848.307</u>	<u>Retention of Records</u>

<del>848.301</del>	<del>Applicability</del>
<del>848.302</del>	<del>Records</del>
<del>848.303</del>	<del>Daily Tire Record</del>
<del>848.304</del>	<del>Annual Tire Summary</del>
<del>848.305</del>	<del>Tire Tracking Receipts</del>
<del>848.306</del>	<del>Certification</del>
<del>848.307</del>	<del>Retention of Records</del>

SUBPART D: FINANCIAL ASSURANCE

Section	
<del>848.400</del>	<del>Scope and Applicability</del>
<del>848.401</del>	<del>Maintaining Financial Assurance</del>
<del>848.402</del>	<del>Release of Financial Institution</del>
<del>848.403</del>	<del>Application of Proceeds and Appeal</del>
<del>848.404</del>	<del>Removal Cost Estimate</del>
<del>848.406</del>	<del>Mechanisms for Financial Assurance</del>
<del>848.407</del>	<del>Use of Multiple Financial Mechanisms</del>
<del>848.408</del>	<del>Use of a Financial Mechanism for Multiple Sites</del>
<del>848.410</del>	<del>Trust Fund</del>
<del>848.411</del>	<del>Surety Bond Guaranteeing Payment</del>
<del>848.413</del>	<del>Letter of Credit</del>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~848.415 Self-Insurance for Non-commercial Sites (Repealed)~~

<u>848.400</u>	<u>Scope and Applicability</u>
<u>848.401</u>	<u>Maintaining Financial Assurance</u>
<u>848.402</u>	<u>Release of Financial Institution</u>
<u>848.403</u>	<u>Application of Proceeds and Appeal</u>
<u>848.404</u>	<u>Removal Cost Estimate</u>
<u>848.406</u>	<u>Mechanisms for Financial Assurance</u>
<u>848.407</u>	<u>Use of Multiple Financial Mechanisms</u>
<u>848.408</u>	<u>Use of a Financial Mechanism for Multiple Sites</u>
<u>848.410</u>	<u>Trust Fund</u>
<u>848.411</u>	<u>Surety Bond Guaranteeing Payment</u>
<u>848.413</u>	<u>Letter of Credit</u>
<u>848.415</u>	<u>Self-Insurance for Non-commercial Sites (Repealed)</u>

SUBPART E: TIRE REMOVAL AGREEMENTS

Section

<del>848.501</del>	<del>Applicability</del>
<del>848.502</del>	<del>Removal Performance Standard</del>
<del>848.503</del>	<del>Contents of Proposed Tire Removal Agreements</del>
<del>848.504</del>	<del>Time Allowed for Tire Removal</del>
<del>848.505</del>	<del>Removal Plan</del>
<del>848.506</del>	<del>Initiation of Tire Removal</del>
<del>848.507</del>	<del>Certification of Removal Completion</del>
<del>848.508</del>	<del>Agency Approval</del>
<del>848.509</del>	<del>Board Review</del>

<u>848.501</u>	<u>Applicability</u>
<u>848.502</u>	<u>Removal Performance Standard</u>
<u>848.503</u>	<u>Contents of Proposed Tire Removal Agreements</u>
<u>848.504</u>	<u>Time Allowed for Tire Removal</u>
<u>848.505</u>	<u>Removal Plan</u>
<u>848.506</u>	<u>Initiation of Tire Removal</u>
<u>848.507</u>	<u>Certification of Removal Completion</u>
<u>848.508</u>	<u>Agency Approval</u>
<u>848.509</u>	<u>Board Review</u>

SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

<del>848.601</del>	<del>Tire Transportation Prohibitions</del>
<del>848.602</del>	<del>Tire Transportation Registrations</del>
<del>848.603</del>	<del>Agency Approval of Registrations</del>
<del>848.604</del>	<del>Registration No Defense</del>
<del>848.605</del>	<del>Duration and Renewal</del>
<del>848.606</del>	<del>Vehicle Placarding</del>
<del>848.607</del>	<del>Tire Tracking Receipts</del>
<del>848.608</del>	<del>Annual Tire Transportation Report</del>
<del>848.609</del>	<del>Retention of Records</del>
<del>848.610</del>	<del>Certification</del>

<a href="#">848.601</a>	<a href="#">Tire Transportation Prohibitions</a>
<a href="#">848.602</a>	<a href="#">Tire Transportation Registrations</a>
<a href="#">848.603</a>	<a href="#">Agency Approval of Registrations</a>
<a href="#">848.604</a>	<a href="#">Registration No Defense</a>
<a href="#">848.605</a>	<a href="#">Duration and Renewal</a>
<a href="#">848.606</a>	<a href="#">Vehicle Placarding</a>
<a href="#">848.607</a>	<a href="#">Tire Tracking Receipts</a>
<a href="#">848.608</a>	<a href="#">Annual Tire Transportation Report</a>
<a href="#">848.609</a>	<a href="#">Retention of Records</a>
<a href="#">848.610</a>	<a href="#">Certification</a>

SUBPART G: TIRE STORAGE PERMITS

Section

<del>848.701</del>	<del>Tire Storage Permits</del>
<del>848.702</del>	<del>Application for Tire Storage Permits</del>
<del>848.703</del>	<del>Permit Conditions</del>
<del>848.704</del>	<del>Standards for Issuance of Tire Storage Permits</del>
<del>848.705</del>	<del>Permit No Defense</del>
<del>848.706</del>	<del>Permit Revision</del>
<del>848.707</del>	<del>No Transfer of Permits</del>
<del>848.708</del>	<del>Permit Revocation</del>

<del>848.Appendix A</del>	<del>"Financial Assurance Forms" (Repealed)</del>
<del>—848.Illustration A</del>	<del>"Trust Agreement" (Repealed)</del>
<del>—848.Illustration B</del>	<del>"Certification of Acknowledgement" (Repealed)</del>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<del>848. Illustration C</del>	<del>"Irrevocable Standby Letter of Credit" (Repealed)</del>
<del>848. Illustration D</del>	<del>"Owner or Operator's Bond Without Surety" (Repealed)</del>
<del>848. Illustration E</del>	<del>"Owner or Operator's Bond With Parent Surety" (Repealed)</del>
<del>848. Illustration F</del>	<del>"Letter from the Chief Financial Officer" (Repealed)</del>

<u>848.701</u>	<u>Tire Storage Permits</u>
<u>848.702</u>	<u>Application for Tire Storage Permits</u>
<u>848.703</u>	<u>Permit Conditions</u>
<u>848.704</u>	<u>Standards for Issuance of Tire Storage Permits</u>
<u>848.705</u>	<u>Permit No Defense</u>
<u>848.706</u>	<u>Permit Revision</u>
<u>848.707</u>	<u>No Transfer of Permits</u>
<u>848.708</u>	<u>Permit Revocation</u>

848. APPENDIX A "Financial Assurance Forms" (Repealed)

<u>848. ILLUSTRATION A</u>	<u>"Trust Agreement" (Repealed)</u>
<u>848. ILLUSTRATION B</u>	<u>"Certification of Acknowledgement" (Repealed)</u>
<u>848. ILLUSTRATION C</u>	<u>"Irrevocable Standby Letter of Credit" (Repealed)</u>
<u>848. ILLUSTRATION D</u>	<u>"Owner or Operator's Bond Without Surety" (Repealed)</u>
<u>848. ILLUSTRATION E</u>	<u>"Owner or Operator's Bond With Parent Surety" (Repealed)</u>
<u>848. ILLUSTRATION F</u>	<u>"Letter from the Chief Financial Officer" (Repealed)</u>

AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/55.2 and 27].

SOURCE: Adopted in R90-9(A) at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-9(B) at 16 Ill. Reg. 3114, effective February 14, ~~1992~~, 1992 amended in R 98-9 at 22 Ill. Reg. 11420, effective June 23, ~~1998~~, 1998; amended ~~in R15-19~~ at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

~~NOTE: Statutory language is denoted by italics.~~

SUBPART A: GENERAL

**Section 848.101 Applicability**

Section 55 of the Environmental Protection Act (~~[415 ILCS 5/55]~~) sets forth prohibitions relative to the storage, processing, disposal and transportation of used and waste tires. This Part sets forth rules establishing further requirements relative to the storage, processing, disposal and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

transportation of used and waste tires. Notwithstanding any other provision of this Part, this Part does not apply to:

- a) two-inch-minus chips supplied to a purchaser under a contract for purchase or other sale;
- b) converted tires manufactured to an exact specification and supplied to a purchaser under a contract for purchase or other sale;
- c) new or reprocessed tires;
- d) reused tires altered to prevent the accumulation of water;
- e) used or waste tires exempted pursuant to Section 55.1 of the Act;
- f) used tires located at a tire storage site at which not more than 50 used tires are located at any one time;
- g) used or waste tires managed at a municipal solid waste landfill in accordance with a solid waste permit issued by the Agency;
- h) used or waste tires altered, by shredding or slicing, and stored at the site where burned as fuel; or
- i) used or waste tires managed under, and in accordance with, a beneficial use determination issued pursuant to Section 22.54 of the Act.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.104 Definitions**

For the purposes of this Part, except as the context otherwise clearly requires, the words and terms defined in this Section have the meanings given in this Section. Words and terms not defined in this Section have the meanings otherwise set forth in the Act and rules and regulations adopted under the Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Environmental Protection Agency established by the Act. [415

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILCS 5/3.105]

"Aisle" means an accessible clear space that is:

located indoors and between each storage pile and all other storage piles, groups of storage piles, combustible materials, and indoor activities at the site that present a risk of fire;

maintained in a manner that provides for unobstructed storage pile access, movement of equipment, visual inspection of storage piles, and operations.

"Altered tire" means a used tire which has been altered so that it is no longer capable of holding accumulations of water, including, but not limited to, used tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally and stacked so as not to collect water, or wholly or partially filled with cement or other material to prevent the accumulation of water. "Alteration" or "altering" means action which produces an altered tire. [415 ILCS 5/54.01]

"Converted tire" means a used tire which has been manufactured into a usable commodity other than a tire. "Conversion" or "Converting" means action which produces a converted tire. Usable products manufactured from tires, which products themselves are capable of holding accumulations of water, shall be deemed to be "converted" if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance. [415 ILCS 5/54.02]

"Covered Tire" means a used tire located in a building, vehicle or facility with a roof extending over the tire, or securely located under a material so as to preclude exposure to precipitation. [415 ILCS 5/54.03]

"Disposal" means the placement of used tires into or on any land or water except as an integral part of systematic reuse or conversion in the regular course of business. [415 ILCS 5/54.04]

"Firebreak" means an accessible, clear space that is:

located outdoors and between each storage pile and all other storage piles, groups of storage piles, buildings, property boundaries, trees, combustible

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ground vegetation, combustible materials, and outdoor activities at the site that present a risk of fire; and

maintained in a manner that provides for unobstructed storage pile access, movement of equipment, visual inspection of storage piles, and firefighting operations.

"Fully enclosed container" means a portable, hard-walled, lockable receptacle that is impervious to precipitation and surface runoff. "Fully enclosed container" does not include any container that is overfilled and cannot, as a result, be locked.

"New tire" means a tire which has never been placed on a vehicle wheel rim. [415 ILCS 5/54.05]

"Passenger tire equivalent" means an average-sized passenger tire weighing 22.5 pounds.

"Processing" means the altering, converting or reprocessing of used or waste tires. [415 ILCS 5/54.06]

"Recyclable tire" means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through resale or repairing. [415 ILCS 5/54.06(a)]

"Reprocessed tire" means a used tire which has been recapped, retreaded or regrooved and which has not been placed on a vehicle wheel rim. [415 ILCS 5/54.07]

"Retread" or "Retreading" means the process of attaching tread to a tire carcass.

"Reused tire" means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted. [415 ILCS 5/54.08]

"Storage" means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tire in the regular course of business. [415 ILCS 5/54.09]

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Tire" means a hollow ring, made of rubber or similar materials, which was manufactured for the purpose of being placed on the wheel rim of a vehicle. [415 ILCS 5/54.10]

"Tire carcass" means the internal part of a used tire containing the plies, beads, and belts suitable for retread or remanufacture. [415 ILCS 5/54.10a]

"Tire derived fuel" means a product made from used tires to exact specifications of a system designed to accept a tire derived fuel as a primary or supplemental fuel source. [415 ILCS 5/54.10b]

"Tire disposal site" means a site where used tires have been disposed of other than a sanitary landfill permitted by the Agency. [415 ILCS 5/54.11]

"Tire stamping and die cutting facility" means a facility that stamps or die cuts an average of at least 100 tires per operating day.

"Tire storage site" means a site where used tires are stored or processed, other than:

the site at which the tires were separated from the vehicle wheel rim;

the site where the used tires were accepted in trade as part of a sale of new tires;

a site at which tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time; or

a facility at which tires are sold at retail provided that the facility maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building so that they are prevented from accumulating water. [415 ILCS 5/54.12]

"Tire transporter" means a person who transports used or waste tires in a vehicle. [415 ILCS 5/54.12b]

"Two-inch-minus chips" means altered tires shredded or processed into pieces

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

having no individual dimension greater than 2 inches.

"Unit of local government" means a unit of local government as defined in Article VII, Section 1 of the Illinois Constitution.

"Used tire" means a worn, damaged, or defective tire that is not mounted on a vehicle and any portion of such a tire. [415 ILCS 5/54.13]

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, except devices moved by human power or by animal power, devices used exclusively upon stationary rails or tracks, and motorized wheelchairs. [415 ILCS 5/54.15]

"Waste tire" means a used tire that has been disposed of and any portion of such a tire. [415 ILCS 5/54.16]

~~"Act" means the Environmental Protection Act (415 ILCS 5).~~

~~"Agency" is the Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]~~

~~"Aisle" means an accessible clear space, that is (i) located indoors and between each storage pile and all other storage piles, groups of storage piles, combustible materials, and indoor activities at the site that present a risk of fire and (ii) maintained in a manner that provides for unobstructed storage pile access, movement of equipment, visual inspection of storage piles, and operations.~~

~~"Altered tire" means a used tire which has been altered so that it is no longer capable of holding accumulations of water, including, but not limited to, used tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally and stacked so as not to collect water, or wholly or partially filled with cement or other material to prevent the accumulation of water. "Alteration" or "altering" means action which produces an altered tire. [415 ILCS 5/54.01]~~

~~"Converted tire" means a used tire which has been manufactured into a usable commodity other than a tire. "Conversion" or "Converting" means~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~action which produces a converted tire. Usable products manufactured from tires, which products themselves are capable of holding accumulations of water, shall be deemed to be "converted" if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance. [415 ILCS 5/54.02]~~

~~"Covered Tire" means a used tire located in a building, vehicle or facility with a roof extending over the tire, or securely located under a material so as to preclude exposure to precipitation. [415 ILCS 5/54.03]~~

~~"Disposal" means the placement of used tires into or on any land or water except as an integral part of systematic reuse or conversion in the regular course of business. [415 ILCS 5/54.04]~~

~~"Firebreak" means an accessible, clear space that is (i) located outdoors and between each storage pile and all other storage piles, groups of storage piles, buildings, property boundaries, trees, combustible ground-vegetation, combustible materials, and outdoor activities at the site that present a risk of fire and (ii) maintained in a manner that provides for unobstructed storage pile access, movement of equipment, visual inspection of storage piles, and fire fighting operations.~~

~~"Fully enclosed container" means a portable, hard-walled, lockable receptacle that is impervious to precipitation and surface runoff. "Fully enclosed container" does not include any container that is overfilled and cannot, as a result, be locked.~~

~~"New tire" means a tire which has never been placed on a vehicle wheel rim. [415 ILCS 5/54.05]~~

~~"Passenger tire equivalent" means an average sized passenger tire weighing 22.5 pounds.~~

~~"Processing" means the altering, converting or reprocessing of used or waste tires. [415 ILCS 5/54.06]~~

~~"Recyclable tire" means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~resale or repairing.~~

~~"Reprocessed tire" means a used tire which has been recapped, retreaded or regrooved and which has not been placed on a vehicle wheel rim. [415 ILCS 5/54.07]~~

~~"Retread" or "Retreading" means the process of attaching tread to a tire carcass.~~

~~"Reused tire" means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted. [415 ILCS 5/54.08]~~

~~"Storage" means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tire in the regular course of business. [415 ILCS 5/54.09]~~

~~"Tire" means a hollow ring, made of rubber or similar materials, which was manufactured for the purpose of being placed on the wheel rim of a vehicle. [415 ILCS 5/54.10]~~

~~"Tire carcass" means the internal part of a used tire containing the plies, beads, and belts suitable for retread or remanufacture. [415 ILCS 5/54.10a]~~

~~"Tire derived fuel" means a product made from used tires to exact specification of a system designed to accept a tire derived fuel as a primary or supplemental fuel source. [415 ILCS 5/54.10b]~~

~~"Tire disposal site" means a site where used tires have been disposed of other than at a sanitary landfill permitted by the Agency [415 ILCS 5/54.11]~~

~~"Tire storage site" means a site where used tires are stored or processed.~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~other than (1) the site at which the tires were separated from the vehicle wheel rim, (2) the site where the used tires were accepted in trade as part of a sale of new tires, or (3) a site at which tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time or (4) a facility at which tires are sold at retail provided that the facility maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building so that they are prevented from accumulating water. [415 ILCS 5/54.12]~~

~~"Tire transporter" means a person who transports used or waste tires in a vehicle. [415 ILCS 5/54.12b]~~

~~"Two-inch minus chips" means altered tires shredded or processed into a pieces having no individual dimension greater than 2 inches.~~

~~"Unit of local government" means a unit of local government as defined in Article VII, Section 1 of the Illinois Constitution.~~

~~"Used tire" means a worn, damaged, or defective tire which is not mounted on a vehicle and any portion of such a tire. [415 ILCS 5/54.13]~~

~~"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, except devices moved by human power or by animal power, devices used exclusively upon stationary rails or tracks, and motorized wheelchairs. [415 ILCS 5/54.15]~~

~~"Waste tire" means a used tire that has been disposed of and any portion of such a tire. [415 ILCS 5/54.16]~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.105 Incorporation by Reference**

- a) The Board incorporates the following document by reference:
  - 4) NFPA 51B, "Standard for Fire Prevention During Welding, Cutting, and Other Hot Work", 2014 Edition, National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169- 7471.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

b) This Section incorporates no later amendments or editions.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.106 Estimating the Weight of Used and Waste Tire Accumulations**

- a) If the weight of an accumulation of used or waste tires is unknown, its weight may, for the purposes of this Part, be calculated by multiplying the volume of the accumulation, measured in cubic yards, by the appropriate density factor listed ~~below~~ in this subsection (a).
- 1) ~~Whole Tires in Shallow Piles:~~  
For a used or waste tire accumulation that is not greater than 10 feet in height and that is composed exclusively of used or waste tires that have not been chopped or shredded, the appropriate density factor is 0.11 tons per cubic yard, unless the tires in the accumulation are stacked or laced, in which case the appropriate density factor is 0.17 tons per cubic yard.
  - 2) ~~Whole Tires in Deep Piles:~~  
For a used or waste tire accumulation that is greater than 10 feet in height and that is composed exclusively of used or waste tires that have not been chopped or shredded, the appropriate density factor is 0.13 tons per cubic yard, unless the tires in the accumulation are stacked or laced, in which case the appropriate density factor is 0.17 tons per cubic yard.
  - 3) ~~Coarse Shreds in Shallow Piles:~~  
For a used or waste tire accumulation that is not greater than 10 feet in height and that is composed exclusively of used or waste tires that have been chopped or shredded into pieces having any dimension that is greater than or equal to 4 inches, the appropriate density factor is 0.36 tons per cubic yard.
  - 4) ~~Coarse Shreds in Deep Piles:~~  
For a used or waste tire accumulation that is greater than 10 feet in height and that is composed exclusively of used or waste tires that have been chopped or shredded into pieces having any dimension that is greater than

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or equal to 4 inches, the appropriate density factor is 0.44 tons per cubic yard.

5) Fine Shreds in Shallow Piles-

For a used or waste tire accumulation that is not greater than 10 feet in height and that is composed exclusively of used or waste tires that have been chopped or shredded into pieces having no dimension that is greater than or equal to 4 inches, the appropriate density factor is 0.47 tons per cubic yard.

6) Fine Shreds in Deep Piles-

For a used or waste tire accumulation that is greater than 10 feet in height and that is composed exclusively of used or waste tires that have been chopped or shredded into pieces having no dimension that is greater than or equal to 4 inches, the appropriate density factor is 0.58 tons per cubic yard.

7) Mixtures of Coarse and Fine Shreds in Shallow Piles-

For a used or waste ~~tires~~tire accumulation that is not greater than 10 feet in height and that is composed of used or waste tires that have been chopped or shredded not only into pieces having no dimension that is greater than or equal to 4 inches but also into pieces having a dimension that is greater than or equal to 4 inches, the appropriate density factor is 0.47 tons per cubic yard.

8) Mixtures of Coarse and Fine Shreds in Deep Piles-

For a used or waste ~~tires~~tire accumulation that is greater than 10 feet in height and that is composed of used or waste tires that have been chopped or shredded not only into pieces having no dimension that is greater than or equal to 4 inches but also into pieces having a dimension that is greater than or equal to 4 inches, the appropriate density factor is 0.58 tons per cubic yard.

- b) A used or waste tire storage pile may be divided into more than one accumulation of used or waste tires for the purposes of making the calculation described in subsection (a) ~~of this Section~~.

(Source: Added at 39 Ill. Reg. —, effective —)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

SUBPART B: MANAGEMENT STANDARDS

**Section 848.201 Applicability**

- a) Except to the extent exempted by subsection (b) or (c) ~~of this Section~~, the owners and operators of tire storage sites and the owners and operators of tire disposal sites are subject to this Subpart.
- b) The owners and operators of any tire retreading facilities at which less than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, as well as the owners and operators of any tire stamping and die cutting facilities at which less than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, are otherwise exempt from this Subpart with respect to those facilities.
- c) The owners and operators of any tire retreading facilities at which 5,000 or fewer used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, as well as the owners and operators of any tire stamping and die cutting facilities at which 5,000 or fewer used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, are otherwise exempt from this Subpart with respect to those facilities.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.202 Requirements**

- a) (Reserved).
- b) Owners and operators of any sites at which more than 50 used or waste tires are located at any one time must comply with the following requirements:
  - 1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless the used or waste tires are placed on or accumulated in a storage pile that is separated from:
    - A) all other storage piles by a firebreak that is not less than 40 feet wide;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) all buildings, whether on or off site, by a firebreak that is not less than 50 feet wide;
  - C) all of the site's property boundaries by a firebreak that is not less than 50 feet wide;
  - D) all outdoor activities at the site that present a risk of fire by a firebreak that is not less than 250 feet wide;
  - E) all trees by a firebreak that is not less than 100 feet wide;
  - F) all grass, weeds, brush, and combustible ground vegetation by a firebreak that is not less than 40 feet wide; and
  - G) any combustible material not listed ~~above~~ [in this subsection \(b\)\(1\)](#) by a firebreak that is not less than 40 feet wide.
- 2) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless they are placed on or accumulated in a storage pile ~~(i)~~ that :
- [A\)](#) is no more than 10 feet high by 50 feet wide by 100 feet long; and ~~(ii) that~~
  - [B\)](#) has no side slope angle that exceeds 60 degrees from horizontal.
- 3) No used or waste tires shall be placed or accumulated on site unless they are drained of water and prevented from accumulating water thereafter.
- 4) If more than 20 used or waste tires are accepted at the site from a vehicle that fails to display the placard required under Subpart F, ~~then~~ the owner or operator of the site must collect the following information and forward it to the Agency within 5 business days after accepting the tires:
- A) the name, address, and driver's license number of the person driving the vehicle;
  - B) the license plate number and vehicle identification number (VIN) of the vehicle; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) any available information about the sources of the tires being accepted.
- 5) No used or waste tires shall be placed or accumulated on site in any area where the grade of the ground surface exceeds two percent slope, unless the used or waste tires are stored within a berm or other structure that satisfies the requirements of ~~subdivision~~[subsection](#) (d)(1)(C) ~~of this Section.~~
- 6) All activities at the site that present a risk of fire must be conducted either:
  - ~~(i)~~
  - [A\)](#) within a building and in accordance with Section 848.204(c)(4); or
  - ~~(ii)~~
  - [B\)](#) outdoors and separated from all used or waste tires by at least 250 feet.
- c) [In addition to the requirements set forth in subsection \(b\),](#) owners and operators of any sites at which more than 60 tons of used or waste tires are located at any one time must comply with the following requirements.
  - 1) The contingency planning and emergency response requirements of Section 848.203 must be met.
  - 2) The recordkeeping and reporting requirements of Subpart C must be met.
  - 3) A tire storage plan that is designed to ensure compliance with the requirements of this Section must be developed for the site and must be adhered to at all times. A copy of the plan must be maintained on site and must be made available at the site for inspection and photocopying by the Agency during normal business hours.
- d) In addition to the requirements set forth in subsections (b) and (c), owners and operators of any sites at which more than 125 tons of used or waste tires are

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

located at any one time must comply with the following requirements:

- 1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless:
  - A) the used or waste tires are stored in an area completely surrounded by fencing that is:
    - i) at least 6 feet high; and
    - ii) in good repair;
  - B) the entrances to the area where the used or waste tires are located are controlled at all times by an attendant, locked entrances, television monitors, controlled roadway access or other equivalent mechanisms;
  - C) the used or waste tires are completely surrounded by an earthen berm or another walled, impermeable, aboveground structure that is, in either case, not less than 2 feet in height, capable of containing runoff resulting from tire fires, and crossed by a stabilized roadway at not less than 2 points of access that are sufficiently separated from one another to provide 2 independent means of ingress and egress during fire conditions; and
  - D) one or more stabilized roadways provide fire-fighting fire fighting personnel and equipment access to all portions of the tire storage area.
- 2) No used or waste tires shall be placed or accumulated within 250 feet horizontally of the ground surface directly beneath any electrical power line that has a voltage in excess of 750 volts or that supplies power to a fire emergency system.
- 3) The perimeter of each group of storage piles at the site must be separated at all times from the perimeter of all other groups of storage piles at the site by a firebreak of at least 75 feet. No group of storage piles may be composed of more than 3 individual storage piles, and no storage pile in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

such a group may have dimensions greater than those described in ~~subdivision~~subsection (b)(2) ~~of this Section~~.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.203 Contingency Planning and Emergency Response**

Owners and operators of any sites at which more than 60 tons of used or waste tires are located at any one time must:

- a) establish and maintain, for each site that is subject to the requirements of this Section, a contingency plan that:
  - 1) minimizes the hazards to human health and the environment from fires and run-off of contaminants resulting from fires;
  - 2) is carried out immediately whenever there is a fire;
  - 3) describes the actions site personnel must take in response to fires and run-off resulting from tire fires;
  - 4) describes evacuation procedures, including, but not limited to, evacuation signals, primary evacuation routes, and alternate evacuation routes to be used ~~in cases where~~when the primary routes could be blocked;
  - 5) contains an up-to-date emergency equipment list that not only identifies all emergency equipment at the facility, such as fire-extinguishing systems, fire-suppression material, spill-control equipment, decontamination equipment, and communication and alarm systems (internal and external), but also describes the physical location and capabilities of each listed item; and
  - 6) provides the name, address, and telephone number of an employee designated as the primary emergency coordinator responsible for coordinating emergency response measures at the site, as well as an up-to-date list of all alternate emergency coordinators, listed in the order in which they will assume responsibility for coordinating emergency

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

response measures at the site in the event that the primary emergency coordinator or another alternate emergency coordinator is unavailable;

- b) ensure that all emergency equipment at the site is at all times clean and fit for its intended purpose;
- c) submit a copy of the contingency plan, and all revisions to the plan, to the local fire department and obtain, and keep on file for review by the Agency, a certificate stating that the plan and all plan revisions have been submitted to and approved by the fire department;
- d) maintain a copy of the contingency plan and all revisions to the plan at the site at all times and make the plan available for inspection and photocopying by the Agency during normal business hours;
- e) review and amend the contingency plan within 30 days after:
  - 1) any fire occurs at the site;
  - 2) the site changes in its design, construction, operation, maintenance, or other characteristics in a way that ~~either (i)~~ increases the potential for a fire at the site or the release of run-off from a fire at the site;
  - 3) the list of emergency coordinators for the site changes; or
  - 4) the list of emergency equipment at the site changes;
- f) ensure that, at all times, the primary emergency coordinator or an alternate emergency coordinator is either on the site premises or on call; that the primary emergency coordinator and alternate emergency coordinators are familiar with all aspects of the contingency plan, all operations and activities at the site, the location of all records within the site and the site layout; and that the primary emergency coordinator and all alternate emergency coordinators have the authority to commit the resources needed to carry out the contingency plan;
- g) notify the Agency immediately if a fire occurs at the site and immediately begin managing, in accordance with all applicable federal and ~~state~~ [State](#) laws and regulations, all contaminated soils, contaminated waters, and other wastes and materials resulting from the fire; and

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- h) within 15 days after each incident that requires implementation of the contingency plan, submit to the Agency in writing an incident report that includes, at a minimum:
- 1) the name, address, and telephone number of the site owners and operators;
  - 2) the name, address, and telephone number of the site;
  - 3) the date, time, and type of incident (e.g., fire or explosion);
  - 4) the type and quantity of materials involved in the incident;
  - 5) the extent of injuries, if any;
  - 6) an assessment of actual or potential hazards to human health or the environment as a result of the incident;
  - 7) the estimated quantity and disposition of released material that resulted from the incident; and
  - 8) a plan and schedule for completing all site remediation required under all applicable federal and ~~state~~[State](#) laws and regulations.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.204 Storage of Used and Waste Tires Within Buildings**

- a) Owners and operators of tire storage sites or tire disposal sites who store used or waste tires within buildings must meet the requirements of this Section.
- b) No used or waste tires shall be stored within a building unless:
  - 1) the tires are drained of all water prior to placement in the building;
  - 2) all of the building's windows and doors are in working order and are secured to prevent unauthorized access;
  - 3) the building is fully enclosed and has a roof and sides that are

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

impermeable to precipitation; and

- 4) the building is not a single family home or other residential building.
- c) In addition to the requirements set forth in subsection (b), if more than 60 tons of used or waste tires are located at any one time at the site, ~~then~~ the owners and operators of the site must:
- 1) develop, in consultation with the local fire department, a tire storage plan for all used or waste tires that are stored within any building at the site, ~~which~~ that:
    - A) ~~take~~takes into consideration the type of building to be used for tire storage; (e.g., warehouse or former grain elevator) and the type of used or waste tires being stored; (e.g., whole or shredded);
    - B) ~~identify~~identifies, at a minimum, the tire storage arrangement; aisle spacing; clearance distances between storage piles and the building walls and ceiling, unit heaters, furnaces, ducts, and sprinkler deflectors; and points of access for ~~fire-~~firefighting personnel and equipment; and
    - C) ~~be~~ maintained on site, adhered to at all times, made available for inspection and photocopying by the Agency during normal business hours, ~~and~~, The plan shall include the following certification signed by the owner or operator: "I certify that this tire storage plan has been developed in consultation with the local fire department and that a copy of this tire storage plan has been filed with the local fire department,";
  - 2) meet the contingency planning and emergency response ~~requirements of~~requirements of Section 848.203; and
  - 3) meet the recordkeeping and reporting requirements of Subpart C; and
  - 4) while conducting in any building at the site any riveting, welding, flame cutting, or other activity that presents a risk of fire, comply with the NFPA 51B standard for fire prevention during welding, cutting, and other hot work.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.205 Pesticide Treatment**

- a) Owners and operators of tire storage sites or tire disposal sites treating used or waste tires with pesticides must:
  - 1) use a pesticide labeled for control of mosquito larvae unless an adult mosquito problem is identified;
  - 2) maintain a record of pesticide use at the site, ~~which~~ that provides the following information for each application:
    - A) date of pesticide application;
    - B) number of used or waste tires treated;
    - C) amount of pesticide applied; and
    - D) type of pesticide used.
- b) Persons applying pesticides to used or waste tires must comply with the requirements of the Illinois Pesticide Act- [415 ILCS 60]. Information is available from:

Illinois Department of Agriculture  
Bureau of Environmental Programs  
State Fairgrounds  
P.O. Box 19281  
Springfield, IL 62794-9281

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.206 Exemptions for Tire Retreading Facilities (Repealed)**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_)

**Section 848.207 Exemptions for Tire Stamping and Die Cutting Facilities (Repealed)**

(Source: Repealed at  
39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.208 Exemptions for Sites with a Tire Removal Agreement (Repealed)**

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: RECORDKEEPING AND REPORTING

**Section 848.301 Applicability**

- a) Except to the extent exempted under subsection (b) or (c) ~~of this Section~~, the owners and operators of any tire storage sites at which more than 60 tons of used or waste tires are located at any one time, as well as the owners and operators of any tire disposal sites at which more than 60 tons of used or waste tires are located at any one time, are subject to this Subpart.
- b) The owners and operators of any tire retreading facilities at which ~~less~~fewer than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, as well as the owners and operators of any tire stamping and die cutting facilities at which ~~less~~fewer than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, are exempt from this Subpart with respect to those facilities.
- c) The owners and operators of any tire retreading facilities at which 5,000 or fewer used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, as well as the owners and operators of any tire stamping and die cutting facilities at which 5,000 or fewer

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, are exempt from this Subpart with respect to those facilities.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.302 Records**

- a) The owner and operator must keep the following records:
  - 1) Daily Tire Record;
  - 2) Annual Tire Summary; and
  - 3) Tire Tracking Receipts.
- b) Each Annual Tire Summary submitted to the Agency shall be in a form as prescribed by the Agency.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.303 Daily Tire Record**

- a) The owner or operator must maintain the Daily Tire Record at the site; ~~such that~~ record must be maintained in a form and format prescribed by the Agency and must include the day of the week, the date, the Agency designated site number and the site name and address.
- b) Information relative to the daily receipt and disposition of used and waste tires at the site must be recorded in the Daily Tire Record, including, but not limited to:
  - 1) the name and registration number of each tire transporter who transported used or waste tires to the site during the operating day and the weight, in tons, of used or waste tires received at the site from the transporter during the operating day;
  - 2) the name and registration number of each tire transporter who transported used or waste tires from the site during the operating day, the weight, in tons, of used or waste tires transported from the site by the transporter

POLLUTION CONTROL BOARD

~~NOTICE OF PROPOSED AMENDMENTS~~

during the operating day, and the name, address, and telephone number of the destination facility;

- 3) the weight, in tons, of used or waste tires burned or combusted at the site during the operating day; and
- 4) the weight, in tons, of used or waste tires remaining at the site at the conclusion of the operating day.

c) Entries on the Daily Tire Record required to be made under ~~paragraph (1) or (2) of~~ subsection (b) ~~of this Section (1) or (2)~~ must be made contemporaneously with the receipt or transport of each load, unless the owner or operator uses a different method of recording the required information ~~which~~that ensures that required information can be entered on the Daily Tire Record by the end of each operating day, in which case the information must be recorded in the Daily Tire Record by the end of each operating day. Where an alternative method of contemporaneous recording is used, that record, in addition to the Daily Tire Record, must be maintained in accordance with the record retention provisions of Section 848.307. All other entries required to be made in the Daily Tire Record under this Section shall be made at the end of each operating day.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.304 Annual Tire Summary**

- a) The owner or operator must submit an Annual Tire Summary to the Agency for each calendar year. The Annual Tire Summary must be in a form and format prescribed by the Agency and must include the Agency designated site number, the site name and address, and the calendar year for which the summary applies.
- b) Information relative to the annual receipt and disposition of used and waste tires at the site must be recorded in the Annual Tire Summary, including, but not limited to:
  - 1) the weight, in tons, of used or waste tires received at the site during the calendar year;
  - 2) the weight, in tons, of used or waste tires transported from the site during

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the calendar year;

- 3) the weight, in tons, of used or waste tires burned or combusted at the site during the calendar year; and
  - 4) the weight, in tons, of used or waste tires remaining in storage at the site at the conclusion of the calendar year.
- c) The Annual Tire Summary must be received by the Agency on or before January 31 of each year and must cover the preceding calendar year.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.305 Tire Tracking Receipts**

- a) Upon receiving any used or waste tires at the site, the owner or operator must provide a receipt to the transporter and keep a copy of the receipt. The receipt must include all of the following: the signature of the owner or operator; the name and registration number of the tire transporter; the signature of the tire transporter; the name, address, and telephone number of the site where used or waste tires were received; the date the used or waste tires were received at the site; and the number or weight, in tons, of used or waste tires received at the site.
- b) Upon transporting any used or waste tires from the site, the tire transporter must provide a receipt to the owner or operator and keep a copy of the receipt. The receipt must include all of the following: the signature of the owner or operator; the name and registration number of the tire transporter; the signature of the tire transporter; the date the used or waste tires were transported from the site; the number or weight, in tons, of used or waste tires transported from the site; and the ~~destination(s)~~destinations of the used or waste tires.
- c) Owners and operators must maintain on site a record of the receipt and disposition of all used or waste tires, including, but not limited to, ~~(i)~~
  - 1) receipts for any used or waste tires received at the site; and ~~(ii)~~
  - 2) receipts for any used or waste tires that are transported from the site.
- d) The tire tracking receipts required under this Section and Section 848.607 shall be

**POLLUTION CONTROL BOARD**

**~~NOTICE OF PROPOSED AMENDMENTS~~**

on a form prescribed by the Agency.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.306 Certification**

- a) All records, summaries, and reports submitted to the Agency as required by this Subpart must be signed by a person designated by the owner or operator as responsible for preparing and reviewing those documents as part of his or her duties in the regular course of business.
- b) Any person signing a document submitted under this Part must make the following certification:

I certify that I am responsible for preparing and reviewing this document and that this document and all attachments were prepared under my direction or supervision as part of my duties in the regular course of business. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act including the possibility of fine and imprisonment for knowingly submitting false information.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.307 Retention of Records**

Copies of all records required to be kept under this Subpart shall be retained by the owner and operator for three years and shall be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

(Source: ~~Section 848.307 renumbered from Section 848.305~~ Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART D: FINANCIAL ASSURANCE**

**Section 848.400 Scope and Applicability**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) (Reserved).
- b) Except to the extent exempted by subsection (c) ~~of this Section~~, owners and operators of tire storage sites and owners and operators of tire disposal sites must comply with this Subpart:
  - 1) prior to storing or disposing any used or waste tires, for sites where used or waste tires are first stored or disposed on or after January 1, 1992;
  - 2) by January 1, 1992, for sites where used or waste tires are disposed or stored prior to January 1, 1992.
- c) Owners and operators of tire storage sites and owners and operators of tire disposal sites are exempt from this Subpart with respect to the following types of sites:
  - 1) sites where the real estate of the site is owned by:
    - A) the United States or one of its agencies;
    - B) the State of Illinois or one of its agencies; or
    - C) a unit of local government;
  - 2) (Reserved);
  - 3) (Reserved);
  - 4) sites where, as reported in the annual notice of activity, 60 tons or less of used or waste tires, other than two-inch-minus chips, are stored at the site and less than 50 used or waste tires have been disposed. Provided, however, that this exemption does not apply if the owner or operator has been issued, in any calendar year, pursuant to Section 55.5 of the Act, more than one written notice of violation of Section 55 of the Act;
  - 5) sites for which a tire removal agreement has been approved by the Agency pursuant to Subpart E;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) any tire retreading facilities, or tire stamping and die cutting facilities, at which: ~~(i) less~~
- A) fewer than 10,000 but more than 5,000 used or waste tires are located on site at any one time; and ~~(ii)~~
  - B) the requirements of Sections 848.202(b)(3) and 848.203 ~~of this Part~~ are met; and
- 7) any tire retreading facilities, or tire stamping and die cutting facilities, at which ~~(i)~~
- A) 5,000 or fewer used or waste tires are located on site at any one time; and ~~(ii)~~
  - B) the requirements of Section 848.202(b)(3) ~~of this Part~~ are met.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.401 Maintaining Financial Assurance**

- a) Except as otherwise provided in subsection (b) ~~of this Section~~, the owner or operator must at all times maintain financial assurance in an amount equal to or greater than the current approved removal cost estimate calculated pursuant to Section 848.404.
- b) Within 60 days after the ~~occurrence~~ occurrence of any event listed in this subsection (b), the owner or operator must increase the total amount of financial assurance to an amount that is equal to or greater than the current approved removal cost estimate calculated pursuant to Section 848.404:
- 1) the current approved removal cost estimate increases; or
  - 2) the value of a trust fund established pursuant to Section 848.410 decreases.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.402 Release of Financial Institution**

**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

The Agency must release a trustee, bank, surety, or other financial institution as soon as practicable after the owner or operator makes a written request for release and demonstrates that either one of the following events has occurred:

- a) the owner or operator has substituted alternate financial assurance that meets the requirements of this Subpart such that the total financial assurance for the site is equal to or greater than the current approved removal cost estimate, without counting the amounts to be released; or
- b) the Agency has released the owner or operator from the requirements of this Subpart following completion of removal.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.403 Application of Proceeds and Appeal**

- a) The Agency may sue in any court of competent jurisdiction to enforce its rights under financial instruments used to provide the financial assurance required under this Subpart. The filing of an enforcement action before the Board is not a condition precedent to such an Agency action, except when this Subpart or the terms of the instrument provide otherwise.
- b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104, the Board may order that an owner or operator modify a removal plan or order that proceeds from financial assurance be applied to the execution of a removal plan.
- c) The following Agency actions may be appealed to the Board as a permit denial pursuant to 35 Ill. Adm. Code 105:
  - 1) a refusal to accept financial assurance tendered by the owner or operator;
  - 2) a refusal to release the owner or operator from the requirement to maintain financial assurance;
  - 3) a refusal to release excess funds from a trust;
  - 4) a refusal to approve a reduction in the penal sum of a bond; or
  - 5) a refusal to approve a reduction in the amount of a letter of credit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.404 Removal Cost Estimate**

- a) No later than January 1 of each year, the owner or operator must submit to the Agency, for approval, a written estimate of the cost of removing the maximum number of used and waste tires that will be accumulated at the site at any time. This cost estimate shall be submitted by the owner or operator along with the annual notice of activity required under ~~subsection (d)~~ of Section 55(d) of the Act.
- b) In addition, the owner or operator must revise the removal cost estimate and submit the revised estimate for Agency approval before making or having made at the site any change that would increase the removal cost estimate, including, but not limited to, an increase in the maximum accumulation of used or waste tires that will be accumulated at the site at any one time.
- c) (Reserved).
- d) The owner or operator must base the removal cost estimate on costs to the Agency under a contract to perform tire removal actions in the area in which the site is located. Projected costs, assuming that the Agency will contract with a third party to implement the removal plan. A third party is a person who is neither a parent nor a subsidiary of the owner or operator.
- e) The removal cost estimate must, at a minimum, include all costs for all activities necessary to remove all used and waste tires in accordance with all requirements of this Part.
- f) Once the owner or operator has completed an activity described in subsection (e), the owner or operator may revise the removal cost estimate indicating that the activity has been completed, and zeroing that element of the removal cost estimate.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.406 Mechanisms for Financial Assurance**

The owner or operator may use any one of the following mechanisms to provide financial

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

assurance for removal of used and waste tires or may use a combination of these mechanisms to the extent authorized under Section 848.407:

- a) a trust fund (Section 848.410);
- b) a surety bond guaranteeing payment (Section 848.411); or
- c) a letter of credit (Section 848.413);

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.407 Use of Multiple Financial Mechanisms**

An owner or operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, and letters of credit. The mechanisms must be as specified in Section 848.410, 848.411, and 848.413, respectively, except that it is the combination of mechanisms, rather than any single mechanism, that must provide financial assurance for an amount at least equal to the current approved removal cost estimate. ~~If an~~ An owner or operator that uses a trust fund in combination with a surety bond or a letter of credit, ~~he or she~~ may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The owner or operator may use any or all of the mechanisms specified in Sections 848.410, 848.411, and 848.413 ~~of this Part~~ to provide for removal.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.408 Use of a Financial Mechanism for Multiple Sites**

An owner or operator may use a financial assurance mechanism specified in this Subpart to meet the requirements of this Subpart for more than one site. Evidence of financial assurance submitted to the Agency must include a list showing, for each site, the name, address and the amount of funds assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each site. The amount of funds available to the Agency must be sufficient to remove used and waste tires from all of the owner or operator's sites.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 848.410 Trust Fund

- a) An owner or operator may satisfy the requirements of this Subpart by establishing a trust fund that conforms to the requirements of this Section and submitting an originally signed duplicate of the trust agreement to the Agency.
- b) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
- c) The trust agreement must be on forms prescribed ~~the~~ by the Agency ~~and~~, must be accompanied by a formal certification of acknowledgment on a form prescribed by the Agency, and must contain provisions addressing, at a minimum, the establishment, management, and termination of the trust and a schedule listing, at a minimum, the sites covered by the trust and the current approved removal cost for each of those sites. The schedule required under this subsection ~~(e)~~ must be in the form prescribed by the Agency and must be updated within 60 days after a change in the amount of the current approved removal cost for any site covered by the trust.
- d) Payments into the ~~trust~~: Trust
  - 1) The owner or operator ~~must~~ shall make a payment into the trust fund each year during the pay-in period. However, after expiration of the pay-in period, neither the owner nor the operator may use a pay-in period to fund the trust and must instead make a lump sum payment to further fund the trust.
  - 2) The pay-in period is three years and commences on the date any of the sites covered by the trust agreement first receives used or waste tires. ~~on the date first receives used or waste tires.~~
  - 3) Annual payments are determined by the following formula:  
~~Annual payment = (CE - CV)/Y~~  
  
~~where:-~~  
  
~~CE = Current total approved removal cost estimate for all sites covered by the trust agreement~~  
~~CV = Current value of the trust fund~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Y = Number of years remaining in the pay in period.~~

$$\text{Annual payment} = (CE-CV)/Y$$

where:

CE = Current total approved removal cost estimate for all sites covered by the trust agreement

C = Current value of the trust fund

V

Y = Number of years remaining in the pay in period.

- 4) The owner or operator must make the first annual payment before used or waste tires are received at a site covered by the trust agreement. Before receiving used tires at a site covered by the trust agreement, the owner or operator must submit to the Agency a receipt from the trustee for the first annual payment.
  - 5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.
  - 6) The owner or operator may either accelerate payments into the trust fund, or may deposit the full amount of the current approved removal cost estimate at the time the fund is established.
  - 7) The owner or operator must maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in subsection (d)(3).
  - 8) If the owner or operator establishes a trust fund after having used one or more alternative mechanisms, the first payment must be in at least the amount the fund would contain if the trust fund were established initially and payments made as provided in subsection (d)(3).
- e) The trustee must evaluate the trust fund annually as of the anniversary of the day the trust was created or on such other date as may be provided in the agreement. Within 30 days after the evaluation date each year, the trustee must furnish the owner or operator and the Agency with a statement confirming the value of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

trust fund within 30 days after the evaluation date. The failure of the owner or operator to object in writing to the trustee within 90 days after the statement has been furnished to the owner or operator and the Agency constitutes a conclusively binding assent by the owner or operator, barring the owner or operator from asserting any claim or liability against the trustee with respect to matters disclosed in the statement.

- f) After the pay-in period is completed, whenever the removal cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator must, within 60 days after the change in the removal cost estimate, either deposit an amount into the fund so that its value after this deposit at least equals the amount of the removal cost estimate, or obtain other financial assurance as specified in this Subpart to cover the difference.
- g) Release of excess funds:
  - 1) If the value of the trust fund is greater than the total amount of the current approved removal cost estimate, the owner or operator may submit a written request to the Agency for a release of the amount in excess of the current approved removal cost estimate.
  - 2) If an owner or operator substitutes other financial assurance as specified in this Subpart for all or part of the trust fund, he or she may submit a written request to the Agency for release of the amount in excess of the current approved removal cost estimate covered by the trust fund.
  - 3) As soon as practicable after receiving a request from the owner or operator for a release of funds pursuant to this subsection (g), the Agency ~~must~~ shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing to be in excess of the current approved removal cost estimate.
- h) Reimbursement for removal expenses:
  - 1) After initiating removal, an owner or operator, or any other person authorized to perform removal, may request reimbursement for partial or final removal expenditures, by submitting itemized bills to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The owner or operator may request reimbursements for partial closure only if sufficient funds ~~re-remaining~~remain in the trust fund to cover the costs of removal.

- 2) As soon as practicable after receiving the itemized bills for partial or final removal activities, the Agency must determine whether the expenditures are in accordance with the removal plan. If the Agency determines, based on ~~such~~the information ~~as is~~ available to it, that the remaining cost of removal will be less than the value of the trust fund, the Agency must instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the removal plan.
- 3) If the Agency determines, based on such information as is available to it, that the remaining cost of removal will be greater than the value of the trust fund, it must withhold reimbursement of such amounts as it determines are necessary to preserve the trust corpus in order to accomplish removal until it determines that the owner or operator is no longer required to maintain financial assurance for removal. In the event the fund is inadequate to pay all claims after removal is completed, the Agency must pay claims according to the following priorities:
  - A) Persons with whom the Agency has contracted and authorized to perform removal activities (first priority);
  - B) Persons who have completed removal activities authorized by the Agency (second priority);
  - C) Persons who have completed work which furthered the removal (third priority);
  - D) The owner or operator and related business entities (last priority).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.411 Surety Bond Guaranteeing Payment**

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond that conforms to the requirements of this Section and submitting the bond to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.
- c) The surety bond must be on standardized forms prescribed by the Agency and must contain provisions concerning, at a minimum, the penal sum and term of the bond, conditions upon which the bond is payable and cancellable and payments into the standby trust fund.
- d) An owner or operator who uses a surety bond must also establish a standby trust fund. Under the terms of the bond, all payments made ~~thereunder~~under the surety bond must be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. The standby trust fund must meet the requirements of a trust fund specified in Section 848.410, except that:
  - 1) the owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and
  - 2) until the standby trust is funded pursuant to the requirements of this Section, none of the following are required:
    - A) payments into the trust fund;
    - B) updating the trust agreement schedule to show the current approved removal cost estimates;
    - C) annual valuations as required by the trust agreement; or
    - D) notices of nonpayment as required by the trust agreement.
- e) Conditions:
  - 1) The bond must guarantee that the owner or operator will either:
    - A) perform removal in accordance with the removal plan; or
    - B) within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

provide alternate financial assurance in accordance with this Subpart and obtain the Agency's written approval of the assurance provided.

- 2) The surety will become liable on the bond obligation when, under the terms of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator does any one or more of the following:
  - A) abandons the site;
  - B) is adjudicated bankrupt;
  - C) within 30 days after the date on which the known final volume of used or waste tires is received, either ~~(i)~~ fails to complete removal or ~~(ii)~~ fails to submit a removal plan that is approved by the Agency in accordance with Section 848.506;
  - D) fails to initiate removal when ordered to do so by the Board pursuant to Title VIII of the Act, or when ordered to do so by a court of competent jurisdiction;
  - E) fails to complete removal in accordance with the approved removal plan; or
  - F) fails, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the surety bond, to provide alternate financial assurance and obtain the Agency's written approval of the assurance provided.
- f) Penal ~~sum:~~ Sum
  - 1) The penal sum of the bond must be in an amount at least equal to the current approved removal cost estimate, except as provided in Section 848.407.
  - 2) If the current removal cost estimate decreases, the penal sum may be reduced to the amount of the current approved removal cost estimate following written approval by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) If the current removal cost estimate increases to an amount greater than the penal sum and if that increase is not due to an increase in the maximum accumulation of used or waste tires at the site, ~~then~~ the owner or operator must, within 60 days after the increase in the removal cost estimate, either:
  - A) cause the penal sum to be increased to an amount at least equal to the current removal cost estimate and submit evidence of the increase to the Agency; or
  - B) obtain alternate financial assurance in accordance with this Subpart to cover the increase in the removal cost estimate and submit evidence of the alternate financial assurance to the Agency.
  
- 4) If the current removal cost estimate increases to an amount greater than the penal sum and if that increase is due to an increase in the maximum accumulation of used or waste tires at the site, ~~then~~ the owner or operator must, within 60 days after the increase in the removal cost estimate:
  - A) remove the excess tires to meet the current approved removal cost estimate;
  - B) cause the penal sum to be increased to an amount at least equal to the current removal cost estimate and submit evidence of the increase to the Agency; or
  - C) obtain other financial assurance, as specified in this Subpart, to cover the increase in the removal cost estimate and submit evidence of the alternative financial assurance to the Agency.
  
- g) Terms:
  - 1) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

- 2) The Agency must release the surety by providing the owner or operator and the surety with written authorization for termination of the bond as soon as practicable after any of the following occur:
  - A) an owner or operator substitutes alternate financial assurance that meets the requirements of this Subpart such that the total financial assurance for the site is equal to or greater than the current approved removal cost estimate, without counting the amounts to be released; or
  - B) the Agency releases the owner or operator from the requirements of this Subpart following completion of removal.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.413 Letter of Credit**

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section and submitting the letter of credit to the Agency.
- b) The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.
- c) Forms:
  - 1) The letter of credit must be on standardized forms prescribed by the Agency.
  - 2) The letter of credit must be accompanied by a letter from the owner or operator, referring to the letter of credit by number, issuing institution, and date, and providing, at a minimum, the following information: the Agency designated site number, the name and address of the site, and the amount of funds assured for removal from the site by the letter of credit.
- d) An owner or operator who uses a letter of credit to satisfy the requirements of this Subpart must also establish a standby trust fund. Any amounts drawn by the Agency pursuant to the letter of credit must be deposited in the standby trust fund.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The standby trust fund must meet the requirements of a trust fund specified in Section 848.410, except that:

- 1) the owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the letter of credit; and
  - 2) unless the standby trust is funded pursuant to the requirements of this Section, none of the following are required:
    - A) payments into the trust fund;
    - B) updating the trust agreement schedule to show the current approved removal cost estimates;
    - C) annual valuations as required by the trust agreement; or
    - D) notices of nonpayment as required by the trust agreement.
- e) Conditions on which the Agency may draw on the letter of credit:
- 1) The Agency may draw on the letter of credit if the owner or operator fails to perform removal in accordance with the removal plan.
  - 2) The Agency may draw on the letter of credit when the owner or operator does any one or more of the following:
    - A) abandons the site;
    - B) is adjudicated bankrupt;
    - C) within 30 days after the date on which the known final volume of used or waste tires is received, either ~~(i)~~ fails to complete removal or ~~(ii)~~ fails to submit a removal plan that is approved by the Agency in accordance with Section 848.506;
    - D) fails to initiate removal when ordered to do so by the Board pursuant to Title VIII of the Act, or when ordered to do so by a court of competent jurisdiction;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- E) notifies the Agency that it has initiated removal, or initiates removal, but fails to provide removal in accordance with the removal plan; or
  - F) within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that the letter of credit will not be extended for another term, fails to provide additional or substitute financial assurance ~~provided~~ under this Subpart.
- f) Amount:
- 1) The letter of credit must be issued in an amount at least equal to the current approved removal cost estimate, except as provided in Section 848.407.
  - 2) If the current removal cost estimate decreases, the penal sum may be reduced to the amount of the current approved removal cost estimate following written approval by the Agency.
  - 3) If the current removal cost estimate increases to an amount greater than the credit and if that increase is not due to an increase in the maximum accumulation of used or waste tires at the site, ~~then~~ the owner or operator must, within 60 days after the increase in the removal cost estimate, either:
    - A) cause the amount of the credit to be increased to an amount at least equal to the current removal cost estimate and submit evidence of the increase to the Agency; or
    - B) obtain alternate financial assurance in accordance with this Subpart to cover the increase in the removal cost estimate and submit evidence of the alternate financial assurance to the Agency.
  - 4) If the current removal cost estimate increases to an amount greater than the credit and if that increase is due to an increase in the maximum accumulation of used or waste tires at the site, ~~then~~ the owner or operator must, within 60 days after the increase in the removal cost estimate:

**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

- A) remove the excess tires to meet the current approved removal cost estimate;
  - B) cause the amount of the credit to be increased to an amount at least equal to the current removal cost estimate and submit evidence of the increase to the Agency; or
  - C) obtain other financial assurance, as specified in this Subpart, to cover the increase in the removal cost estimate and submit evidence of the alternative financial assurance to the Agency.
- g) Term:
- 1) The letter of credit must be irrevocable and issued for a period of at least one year.
  - 2) The letter of credit must provide that, on its current expiration date and on each successive expiration date, the letter of credit will be automatically extended for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner and operator and the Agency, by certified mail, of a decision not to extend the letter of credit for another term. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
  - 3) The Agency must return the letter of credit to the issuing institution for termination as soon as practicable after any of the following occur:
    - A) an owner or operator substitutes alternate financial assurance that meets the requirements of this Subpart such that the total financial assurance for the site is equal to or greater than the current approved removal cost estimate, without counting the amounts to be released; or
    - B) the Agency releases the owner or operator from the requirements of this Subpart following completion of removal.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 848.415 Self-Insurance for Non-commercial Sites (Repealed)**

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: TIRE REMOVAL AGREEMENTS

**Section 848.501 Applicability**

- a) The owner or operator of a tire disposal site must obtain written approval from the Agency of a tire removal agreement submitted pursuant to this Subpart unless:
  - 1) *the owner or operator has entered into a written agreement to participate in a consensual removal action under ~~subsection (e)~~ of Section 55.3(c) of the Act [415 ILCS 5/55.4]; or*
  - 2) the owner or operator has received a permit from the Agency pursuant to the requirements of Subtitle G: Waste Disposal for the disposal of solid waste at landfills.
  
- b) An owner or operator of a tire disposal site may obtain approval of a tire removal agreement for a specific area within a facility; however, the remainder of the facility must be operated under a permit issued by the Agency under 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid waste in landfills or be subject to a consensual removal action under ~~subsection (e)~~ of Section 55.3(c) of the Act.
  
- c) Before disposing of any used or waste tires, the owner or operator of a tire disposal site must obtain a permit from the Agency pursuant to the requirements of 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid wastes at landfills.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.502 Removal Performance ~~Standard~~The Standard**

The owner or operator of a tire disposal site required to file and receive approval of a tire removal agreement under this Subpart E shall remove used or waste tires from the site in a manner that:

- a) *minimizes the need for further maintenance;*
- b) *removes all used and waste tires and any residues therefrom; and*
- c) *protects human health during the removal and post removal periods.* [415 ILCS 5/55.4(a)]

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.503 Contents of Proposed Tire Removal Agreements**

- a) A proposed *tire removal agreement submitted to the Agency for approval under this Subpart E shall include the following:*
  - 1) *a complete inventory of the tires located on the site;*
  - 2) *a description of how the removal will be conducted in accordance with Section 848.502;*
  - 3) *a description of the methods to be used during removal including, but not limited to, the methods for removing, transporting, processing, storing or disposing of tires and residues, and the offsite facilities to be used;*
  - 4) *a detailed description of other activities necessary during the removal period to ensure that the requirements of Section 848.502 are met; and*
  - 5) *a schedule of completing the removal of tires from the site, as required in Section 848.504.* [415 ILCS 5/55.4]
- b) The owner or operator may propose amendment of the tire removal agreement at any time prior to notification of the completion of partial or final removal of tires

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

from the facility. To request a change in an approved tire removal agreement, an owner or operator shall submit a written request to the Agency. The written request must include a copy of the amended tire removal agreement for approval by the Agency.

- c) Nothing in this Section precludes the owner or operator from removing used or waste tires in accordance with the approved partial or final tire removal agreement.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.504 Time Allowed for Tire Removal**

- a) *Each approved tire removal agreement shall include a schedule by which the owner or operator must complete the removal activities. The total time allowed shall not exceed the following:*
  - 1) *one year if the site contains 1,000 tires or less;*
  - 2) *two years if the site contains more than 1,000 tires but less than 10,000 tires;*
  - 3) *five years if the site contains 10,000 or more tire.*
- b) *The owner or operator may apply for an extension of time, no later than 90 days before the end of the time period specified in the agreement. The Agency shall not grant such an extension unless it determines that the owner or operator has proceeded to carry out the agreement with all due diligence. The requested extension of time may not exceed 3 years, and the Agency may approve the request as submitted or may approve a lesser amount of time if the removal activities can be completed within such lesser amount of time. [415 ILCS 5/55.4(d)]*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.506 Initiation of Tire Removal**

- a) Any owner or operator who is required to obtain financial assurance under this Part must submit a proposed tire removal agreement to the Agency that satisfies

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Sections 848.502 through 848.505:

- 1) within 30 days after the date on which any tire disposal site or tire storage site receives the known final volume of used or waste tires; or
  - 2) when the owner or operator fails to provide additional or substitute financial assurance, as required in this Part, and to obtain the Agency's written approval of the assurance provided, within 60 days after an increase in the current removal cost estimate.
- b) The owner or operator must begin removal of used and waste tires in accordance with the approved tire removal agreement within 30 days after written Agency approval of the tire removal agreement unless the tire removal agreement specifies otherwise.
- c) The Agency must have authority to approve a later date for initiation of tire removal in a tire removal agreement if ~~4~~ the owner or operator demonstrates to the Agency that a binding contractual relationship exists under which the owner or operator will remove all used and waste tires from the site within the period specified in Section 848.504.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.507 Certification of Removal Completion**

*Within 60 days after the completion of removal activities under an approved tire removal agreement under this Subpart E, the owner or operator shall submit to the Agency a certification that the site or the affected portion of the site, subject to a tire removal agreement has been cleared of tires in accordance with the approved tire removal agreement. [415 ILCS 5/55.4(e)]*

~~(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

**Section 848.508 Agency Approval**

*For a site at which the owner or operator is proposing to proceed with removal under a tire removal agreement, rather than obtaining a permit under 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid waste in a landfill, the Agency shall approve, modify or disapprove a proposed agreement within 90 days of receiving it. If the Agency does not approve the agreement, the Agency shall provide the owner or operator with a written statement of*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*reasons for the refusal, and the owner or operator shall modify the agreement or submit a new agreement for approval within 30 days after receiving the statement. The Agency shall approve or modify the second proposed agreement within 60 days. If the Agency modifies the second proposed agreement, the agreement as modified shall become the approved agreement. [415 ILCS 5/55.4(c)]*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.509 Board Review**

*Modification of or refusal to modify a proposed tire removal agreement submitted by an owner or operator proposing to proceed with removal is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. [415 ILCS 5/55.4(f)]*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

**Section 848.601 Tire Transportation Prohibitions**

- a) Except as provided in ~~Subsection~~subsection (c), no person shall transport more than 20 used or waste tires in a vehicle at any one time unless the following requirements are met:
- 1) the person either is registered as a tire transporter with the Agency or an employee of a person that is registered as a tire transporter with the Agency and, in either case, the registration is current, valid, and in effect;
  - 2) the vehicle displays a placard, issued by the Agency, in accordance with the requirements of this Subpart;
  - 3) the portion of the vehicle where the tires are transported is completely separated from the vehicle's passenger compartment; and
  - 4) if the person was required to submit an Annual Tire Transportation Report in the immediately preceding year, the person submitted that report to the Agency in accordance with the requirements of Section 848.609.
- b) No person shall provide, deliver or transport used or waste tires to a tire

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

transporter for transport unless the transporter's vehicle displays a placard issued by the Agency under this Subpart.

- c) A person transporting tire carcasses to a tire retreading facility under a bill of lading is exempt from the requirements of this Section.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.602 Tire Transportation Registrations**

- a) Tire transportation registrations must be submitted on registration forms prescribed by the Agency that, at a minimum, shall require submission of the following information:
- 1) the name, address, and telephone number of the person seeking registration;
  - 2) a description of the number and types of vehicles to be used, proof of liability insurance for those vehicles, and, if any of the vehicles to be used are required to obtain a certificate of safety under Chapter 13 of the Illinois Vehicle Code [625 ILCS 5], a copy of the current certificate of safety for the vehicle; and
  - 3) an agreement by the person seeking registration that:
    - A) tire loading, transportation, and unloading will be conducted in compliance with all applicable state and federal laws and regulations;
    - B) no used or waste tires will be transported with other wastes on one vehicle if that activity could result in a hazardous combination likely to cause explosion, fire, or release of a dangerous or toxic gas, or in violation of any applicable state or federal law or regulation; and
    - C) the equipment and procedures to be used will be proper for the tire transportation to be safe for the transporters, handlers, and others, and will meet the requirements of all other applicable state and federal laws and regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) All tire transporter registrations must be signed by the person seeking registration or by a duly authorized agent of the person seeking registration who has provided the Agency with evidence of his or her authority to sign the registration on behalf of the person seeking registration.
- c) If any information required to be submitted on the registration form changes after the registration is submitted to the Agency, ~~then~~ the registrant must provide an amended registration form to the Agency in writing within 30 days after the date the information changes. If the information reflects a change in ownership or a change in vehicle information, ~~then~~ a new registration form must be submitted to the Agency.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.603 Agency Approval of Registrations**

- a) Tire transporter registrations are deemed to be filed on the date of initial receipt by the Agency of a properly completed registration form prescribed by the Agency. The Agency must reject any incomplete registration form and notify the person seeking registration that the registration form is incomplete. That person may treat the Agency's notification of an incomplete registration form as a final action denying approval of the registration for purposes of review pursuant to Section 40 of the Act.
- b) If the Agency fails to take final action approving or denying approval of a registration within 90 days from the filing of the completed form, the person seeking registration may deem the registration approval granted for a period of one calendar year commencing on the 91<sup>st</sup> day after the application was filed.
- c) The Agency is deemed to have taken final action on the date that the notice of final action is mailed.
- d) Before approving a registration, the Agency must consider whether the registration is complete and consistent with the provisions of the Act and Board regulations and may undertake such investigations and request the person seeking registration to furnish such proof as it deems necessary to verify the information and statements made in the registration. If the registration is complete and the approval of it will not cause a violation of the Act or Board regulations, the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Agency must approve the registration. Notwithstanding any other provision of this subsection (d), the Agency must deny a person's registration if, within the 5 years immediately preceding the date upon which the registration is filed with the Agency, ~~(i)~~:

- 1) the person caused or allowed the open dumping of used or waste tires in violation of ~~subdivision (a)(1) of~~ Section 55(a)(1) of the Act; or ~~(ii)~~
  - 2) the Agency has taken or is taking preventive or corrective action pursuant to Section 55.3 of the Act because the person caused or allowed the open dumping of used or waste tires in violation of ~~subdivision (a)(1) of~~ Section 55(a)(1) of the Act.
- e) In approving tire transporter registrations pursuant to this Subpart, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and the Board regulations.
- f) The person seeking registration may deem any conditions imposed by the Agency as a denial of approval of the registration for purposes of review pursuant to Section 40 of the Act.
- g) A tire transporter registration approved hereunder is automatically modified to include any relevant change in the Act or Board regulations. The Agency must revise any tire transporter registration issued by the Agency under this Part to make the registration compatible with any such relevant changes and so notify the registrant. Failure of the Agency to issue a revised registration does not excuse the registrant from compliance with any such change.
- h) No tire transporter registration is transferable ~~from~~. A tire transporter registration is personal to the ~~person(s)~~ persons named in the tire transporter registration.
- i) Violation of any conditions or failure to comply with any provisions of the Act or with any Board regulation are grounds for sanctions as provided in the Act, including, but not limited to, revocation of the registration as herein provided and the denial of applications for renewal.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.604 Registration No Defense**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existence of an approved tire transporter registration under this Subpart does not provide any person with a defense to a violation of the Act or Board regulations, except for transporting used or waste tires without an approved tire transporter registration.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.605 Duration and Renewal**

- a) All registrations approved hereunder are effective for a period of two years from the date of approval and are renewable, except as provided in ~~Sections~~[Section 848.603\(d\)](#) and (i).
- b) Applications for registration renewal must be made at least 90 days prior to the expiration date of the registration on the forms prescribed by the Agency.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.606 Vehicle Placarding**

- a) Upon approval of a registration as a tire transporter, the transporter must place, on opposite sides of the vehicles, a placard that displays a number issued by the Agency following the words "Registered Tire Transporter: (number)".
- b) Directly adjacent to the words and number, the transporter must display a seal furnished by the Agency that designates the date on which the registration expires.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.607 Tire Tracking Receipts**

- a) Upon receiving used or waste tires, a tire transporter must provide a receipt to the person from whom the used or waste tires are received. The person from whom the used or waste tires are received and the tire transporter must each keep a copy of the receipt. The receipt must include all of the following: the signature of the person from whom the used or waste tires are received; the tire transporter's signature; the name and registration number of the tire transporter; the name, address, and telephone number of the site from which used or waste tires were transported; the date the used or waste tires were transported from the site; the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

number or weight, in tons, of used or waste tires transported from the site; and the ~~destination(s)~~destinations of the used or waste tires.

- b) Upon delivering used or waste tires, a tire transporter must obtain a receipt from the site where the used or waste tires were delivered and keep a copy of the receipt. The receipt must include all of the following: the tire transporter's signature; the name and registration number of the tire transporter; the name and location of the site to which used or waste tires were delivered; the signature of the owner or operator of the site to which used or waste tires were delivered; the date the used or waste tires were delivered to the site; and the number or weight, in tons, of used or waste tires delivered to the site.
- c) Tire transporters must maintain at their principal place of business a record of the receipt and disposition of all used or waste tires, including, but not limited to, both ~~(i)~~
  - 1) receipts for used or waste tires received by that person; and ~~(ii)~~
  - 2) receipts for used or waste tires delivered by that person. In addition, persons delivering used or waste tires to a tire transporter for transport must maintain at their principal place of business a copy of the receipts provided by tire transporters pursuant to subsection (a) ~~of this Section~~.
- d) The tire tracking receipts required under this Section and Section 848.305 shall be on a form prescribed by the Agency.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.608 Annual Tire Transportation Report**

- a) Any person who is required to be registered under this Subpart must submit an Annual Tire Transportation Report to the Agency for each calendar year in which they are required to be registered. The Annual Tire Transportation Report must be in a form and format prescribed by the Agency and must include the Agency designated registration number of the transporter, the name and address of the transporter, and the calendar year for which the report applies.

**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

- b) Information relative to the transportation of used and waste tires by the transporter must be recorded in the Annual Tire Transportation Report, including, but not limited to:
- 1) the number or weight, in tons, of used or waste tires received by the transporter during the calendar year;
  - 2) the number or weight, in tons, of used or waste tires delivered to each site by the transporter during the calendar year; and
  - 3) the number or weight, in tons, of used or waste tires remaining with the transporter at the end of the calendar year.
- c) The Annual Tire Transportation Report must be received by the Agency on or before the March 1 immediately following the end of the calendar year for which the report is submitted.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.609 Retention of Records**

Copies of all records required to be kept under this Subpart shall be retained for three years by the person required to retain the record and shall be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.610 Certification**

- a) All reports submitted to the Agency as required by this Subpart must be signed by a person designated by the transporter as responsible for preparing and reviewing ~~such~~[these](#) documents as part of his or her duties in the regular course of business.
- b) Any person signing a document submitted to the Agency pursuant to this Subpart must make the following certification:

"I certify that I am responsible for preparing and reviewing this document and that this document and all attachments were prepared under my direction or supervision as part of my duties in the regular course of

**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

business. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act, including the possibility of fine and imprisonment for knowingly submitting false information."

(Source: Added at 39 Ill. Reg. —, effective —)

**SUBPART G: TIRE STORAGE PERMITS**

**Section 848.701 Tire Storage Permits**

- a) Beginning July 1, 2016, no person shall cause or allow the operation of a tire storage site that contains used tires totaling more than 10,000 passenger tire equivalents, or at which more than 500 tons of used tires are processed in a calendar year, without a Tire Storage Permit issued by the Agency pursuant to this Subpart G.
- b) All applications for Tire Storage Permits must be submitted to the Agency at least 90 days before the date on which ~~such~~the permit is required; however, the Agency may waive this requirement, in writing, for good cause.
- c) All Tire Storage Permits granted pursuant to this Subpart G remain in effect unless terminated by operation of law pursuant to subsection (d), revoked, superseded, or modified.
- d) If a permittee ceases operation of a tire storage site that is required to be permitted under this Subpart, the permittee must notify the Agency in writing within 15 days after it ceases operation of the site. On the 15<sup>th</sup> day after the permittee ceases operation of the site, the permit shall be deemed terminated by operation of law.

(Source: Added at 39 Ill. Reg. —, effective —)

**Section 848.702 Application for Tire Storage Permits**

- a) Each application for permit required under this Subpart must contain all data and information that is reasonably necessary for the Agency to determine whether the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

applicant and tire storage site for which the application is submitted will meet all of the requirements of the Act and regulations adopted pursuant to the Act.

- b) The Agency may prescribe the form and format in which all information required under ~~these regulations~~ this Subpart shall be submitted.
- c) All permit applications must be signed by the owner and the operator of the tire storage site or their duly authorized agents. Applications signed by agents must be accompanied by evidence of authority to sign the application.
- d) All permit applications must be mailed or delivered to the address designated by the Agency and must be sent by registered or certified mail, return receipt requested.
- e) An application for permit is not deemed filed until the Agency has received, at the designated address, all information, documents, and authorization in the form and format and with the content required by ~~these rules~~ this Subpart. However, if the Agency fails to notify the applicant, within 45 days after the receipt of an application, that the application is incomplete, and of the reasons, the application shall be deemed to have been filed on the date received by the Agency. An applicant may deem the Agency's notification that the application is incomplete as a denial of the permit for purposes of review pursuant to Section 40 of the Act.
- f) If the Agency fails to take final action on the application within 90 days from the filing ~~thereof~~ of the application, the applicant may deem the permit granted on the 91<sup>st</sup> day after the application was filed.
- g) Any applicant for a permit may waive the requirement that the Agency ~~must~~ take final action within 90 days from the filing of the application.
- h) The Agency must send all notices of final action by registered or certified mail, return receipt requested. Final action is deemed to have taken place on the date that ~~such~~ the notice is mailed.
- i) Decisions regarding permit applications may be appealed to the Board in accordance with Section 40 of the Act.

(Source: Added at 39 Ill. Reg. ~~\_\_\_\_\_~~, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 848.703 Permit Conditions**

- a) As provided in ~~subsection Sections 39(a) of Section 39~~ and ~~subsection 55(d-5) of Section 55~~ of the Act, the Agency may impose such conditions in a permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with regulations promulgated by the Board ~~thereunder~~, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with the Act and regulations and standards adopted ~~thereunder~~ under the Act.
- b) The applicant may deem any condition imposed by the Agency as a denial of the permit for purposes of review pursuant to Section 40 of the Act.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.704 Standards for Issuance of Tire Storage Permits**

The Agency must not issue any permit unless the applicant submits adequate proof that the tire storage site either will be operated so as not to cause any violation of the Act or rules adopted under the Act or has been granted a variance pursuant to Title IX of the Act.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.705 Permit No Defense**

The existence of a permit issued under this Subpart does not constitute a defense to a violation of the Act or this Part, except for operation without a permit.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.706 Permit Revision**

- a) The Agency must revise any permit issued by it to make the permit compatible with any relevant new regulations adopted by the Board.
- b) The permittee may request modification of a permit at any time by filing, pursuant to Section ~~848.702~~ 848.702, an application reflecting the modification requested.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

~~ILLINOIS REGISTER~~ [JCAR350848-1502814r01](#)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

**Section 848.707 No Transfer of Permits**

No permit issued under this Subpart is transferable.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.708 Permit Revocation**

A violation of any permit condition or failure to comply with any rule or regulation of this Part is grounds for sanctions as provided in the Act, including revocation of permit.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER [JCAR350848-1502814r01](#)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 848.APPENDIX A Financial Assurance Forms (Repealed)

Section 848.ILLUSTRATION A Trust Agreement (Repealed)

-



(Source: Repealed [in](#) 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

~~ILLINOIS REGISTER~~ JCAR350848-1502814r01

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Section 848.~~Appendix~~APPENDIX A Financial Assurance Forms (Repealed)

Section 848.~~Illustration~~ILLUSTRATION B Certificate of  
~~Acknowledgment~~Acknowledgement (Repealed)

\_\_\_\_\_ of \_\_\_\_\_

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

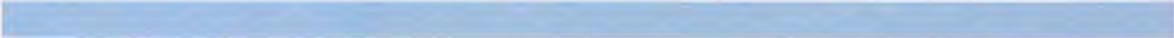
~~ILLINOIS REGISTER~~ [JCAR350848-1502814r01](#)

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

Section 848.~~Appendix~~[APPENDIX](#) A Financial Assurance Forms (~~Repealed~~)

Section 848.~~Illustration~~[ILLUSTRATION](#) C Irrevocable Standby Letter of Credit  
(~~Repealed~~)



(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER [JCAR350848-1502814r01](#)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 848. ~~Appendix~~ **APPENDIX A** Financial Assurance Forms **(Repealed)**

Section 848. **ILLUSTRATION D** Owner or Operator's Bond Without Surety **(Repealed)**



(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER [JCAR350848-1502814r01](#)

POLLUTION CONTROL BOARD

~~NOTICE OF PROPOSED AMENDMENTS~~

Section 848.~~Appendix~~[APPENDIX A](#) Financial Assurance Forms [\(Repealed\)](#)

Section 848.ILLUSTRATION E Owner or Operator's Bond With Parent Surety  
(Repealed)

(Source: Repealed ~~in~~[at](#) 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Document comparison by Workshare Compare on Wednesday, February 25, 2015 2:08:14 PM

Input:	
Document 1 ID	file:///I:\Input\Agency Rulemakings - Files Received\2015\02Feb2015\35-848-Agency-delta(issue9).docx
Description	35-848-Agency-delta(issue9)
Document 2 ID	file:///I:\Input\Agency Rulemakings - Files Received\2015\02Feb2015\35-848-JCAR-Proposed-r01(issue 9).docx
Description	35-848-JCAR-Proposed-r01(issue 9)
Rendering set	Custom rendering set

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	377
Deletions	351
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	730

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Management of Used and Waste Tires

2) Code Citation: 35 Ill. Adm. Code 848

<u>Section Numbers:</u>	<u>Proposed Action:</u>
848.101	Amendment
848.104	Amendment
848.105	Amendment
848.106	New Section
848.201	Amendment
848.202	Amendment
848.203	Amendment
848.204	Amendment
848.205	Amendment
848.206	Repealed
848.207	Repealed
848.208	Repealed
848.301	Amendment
848.302	Amendment
848.303	Amendment
848.304	Amendment
848.305	Amendment
848.306	Amendment
848.307	Renumbered/New Section
848.400	Amendment
848.401	Amendment
848.402	Amendment
848.403	Amendment
848.404	Amendment
848.406	Amendment
848.407	Amendment
848.408	Amendment
848.410	Amendment
848.411	New Section
848.413	Amendment
848.415	Repealed
848.501	Amendment
848.502	Amendment
848.503	Amendment
848.504	Amendment

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

848.506	Amendment
848.507	Amendment
848.508	Amendment
848.509	Amendment
848.601	Amendment
848.602	Amendment
848.603	Amendment
848.604	Amendment
848.605	Amendment
848.606	Amendment
848.607	New Section
848.608	New Section
848.609	New Section
848.610	New Section
848.701	New Section
848.702	New Section
848.703	New Section
848.704	New Section
848.705	New Section
848.706	New Section
848.707	New Section
848.708	New Section
848.APPENDIX A	Repealed
848.ILLUSTRATION B	Repealed
848.ILLUSTRATION C	Repealed
848.ILLUSTRATION D	Repealed
848.ILLUSTRATION E	Repealed
848.ILLUSTRATION F	Repealed

- 4) Statutory Authority: Implementing Section 55.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/55.2, and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A description of this proposal may be found in the Board's first-notice opinion and order of February 5, 2015 in docket R15-19.

The rulemaking is intended to protect the State's residents from threats resulting from the inappropriate and illegal disposal of used and waste tires while simultaneously minimizing impacts on markets and businesses that diminish those threats by transforming used and waste tires into marketable commodities. Some of the provisions

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

are being submitted for the purpose of complying with PA 98-656, which, among other things, directs the Agency to propose certain revisions to the Part 848 rules within six months after June 19, 2014. Other provisions included in this proposal are not related to the requirements of PA 98-656.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. One item is incorporated by reference and listed in proposed Section 848.105:  
  
NFPA 51B, "Standard for Fire Prevention During Welding, Cutting, and Other Hot Work," 2014 Edition, National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R15-19 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R15-19 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). For more information, contact the Clerk's Office at 312/814-3629.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses processing or handling used or waste tires will be affected by this rulemaking proposal. The Agency has attempted to limit the regulatory burdens imposed by the proposal by limiting the most demanding requirements of the proposal to only those large facilities that pose the most significant risks to the public. The Agency believes that any technical and economic costs that might be imposed on individuals as a result of the proposal will be largely offset by increases in public health, safety, and welfare brought about by those changes.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposal contains a number of provisions requiring the weighing, counting, accounting for, and recording of used or waste tires for specified owners and operators of affected facilities along with reporting of some records. Tire tracking receipts are one example found at Section 848.305 of the proposal. Records required under the proposal must be retained for three years and made available at the site during business hours. Subpart D of the proposal requires certain accounting practices and financial assurances. Finally, the proposal requires specified entities to get one or more permits from the Environmental Protection Agency.
- C) Types of professional skills necessary for compliance: The Board does not expect professional skills beyond those currently required of the people and businesses affected by the proposal.

14) Regulatory Agenda in which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Management of Used and Waste Tires
- 2) Code Citation: 35 Ill. Adm. Code 848
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
848.101	Amendment
848.104	Amendment
848.105	Amendment
848.106	New Section
848.201	Amendment
848.202	Amendment
848.203	Amendment
848.204	Amendment
848.205	Amendment
848.206	Repealed
848.207	Repealed
848.208	Repealed
848.301	Amendment
848.302	Amendment
848.303	Amendment
848.304	Amendment
848.305	Amendment
848.306	Amendment
848.307	Renumbered/New Section
848.400	Amendment
848.401	Amendment
848.402	Amendment
848.403	Amendment
848.404	Amendment
848.406	Amendment
848.407	Amendment
848.408	Amendment
848.410	Amendment
848.411	New Section
848.413	Amendment
848.415	Repealed
848.501	Amendment
848.502	Amendment
848.503	Amendment
848.504	Amendment

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

848.506	Amendment
848.507	Amendment
848.508	Amendment
848.509	Amendment
848.601	Amendment
848.602	Amendment
848.603	Amendment
848.604	Amendment
848.605	Amendment
848.606	Amendment
848.607	New Section
848.608	New Section
848.609	New Section
848.610	New Section
848.701	New Section
848.702	New Section
848.703	New Section
848.704	New Section
848.705	New Section
848.706	New Section
848.707	New Section
848.708	New Section
848.APPENDIX A	Repealed
848.ILLUSTRATION B	Repealed
848.ILLUSTRATION C	Repealed
848.ILLUSTRATION D	Repealed
848.ILLUSTRATION E	Repealed
848.ILLUSTRATION F	Repealed

- 4) Statutory Authority: Implementing Section 55.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/55.2, and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A description of this proposal may be found in the Board's first-notice opinion and order of February 5, 2015 in docket R15-19.

The rulemaking is intended to protect the State's residents from threats resulting from the inappropriate and illegal disposal of used and waste tires while simultaneously minimizing impacts on markets and businesses that diminish those threats by transforming used and waste tires into marketable commodities. Some of the provisions

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

are being submitted for the purpose of complying with PA 98-656, which, among other things, directs the Agency to propose certain revisions to the Part 848 rules within six months after June 19, 2014. Other provisions included in this proposal are not related to the requirements of PA 98-656.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. One item is incorporated by reference and listed in proposed Section 848.105:  
  
NFPA 51B, "Standard for Fire Prevention During Welding, Cutting, and Other Hot Work," 2014 Edition, National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R15-19 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R15-19 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). For more information, contact the Clerk's Office at 312/814-3629.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses processing or handling used or waste tires will be affected by this rulemaking proposal. The Agency has attempted to limit the regulatory burdens imposed by the proposal by limiting the most demanding requirements of the proposal to only those large facilities that pose the most significant risks to the public. The Agency believes that any technical and economic costs that might be imposed on individuals as a result of the proposal will be largely offset by increases in public health, safety, and welfare brought about by those changes.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposal contains a number of provisions requiring the weighing, counting, accounting for, and recording of used or waste tires for specified owners and operators of affected facilities along with reporting of some records. Tire tracking receipts are one example found at Section 848.305 of the proposal. Records required under the proposal must be retained for three years and made available at the site during business hours. Subpart D of the proposal requires certain accounting practices and financial assurances. Finally, the proposal requires specified entities to get one or more permits from the Environmental Protection Agency.
- C) Types of professional skills necessary for compliance: The Board does not expect professional skills beyond those currently required of the people and businesses affected by the proposal.

14) Regulatory Agenda in which this rulemaking was summarized: January 2014

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE G: WASTE DISPOSAL  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER m: USED AND WASTE TIRES

5  
6 PART 848  
7 MANAGEMENT OF USED AND WASTE TIRES

8  
9 SUBPART A: GENERAL

10

11 Section

- 12 848.101 Applicability  
13 848.102 Severability  
14 848.103 Other Regulations  
15 848.104 Definitions  
16 848.105 Incorporation by Reference  
17 848.106 Estimating the Weight of Used and Waste Tire Accumulations

18

19

SUBPART B: MANAGEMENT STANDARDS

20

21 Section

- 22 848.201 Applicability  
23 848.202 Requirements  
24 848.203 Contingency Planning and Emergency Response Plan  
25 848.204 Storage of Used and Waste Tires Within Buildings  
26 848.205 Pesticide Treatment  
27 848.206 Exemptions for Tire Retreading Facilities (Repealed)  
28 848.207 Exemptions for Tire Stamping & Die Cutting Facilities (Repealed)  
29 848.208 Exemptions for Sites With a Tire Removal Agreement (Repealed)

30

31

SUBPART C: RECORDKEEPING AND REPORTING

32

33 Section

- 34 848.301 Applicability  
35 848.302 Records  
36 848.303 Daily Tire Record  
37 848.304 Annual Tire Summary  
38 848.305 Tire Tracking Receipts~~Retention of Records~~  
39 848.306 Certification  
40 848.307 Retention of Records

41

42

SUBPART D: FINANCIAL ASSURANCE

43



87	<u>Section</u>	
88	<u>848.701</u>	<u>Tire Storage Permits</u>
89	<u>848.702</u>	<u>Application for Tire Storage Permits</u>
90	<u>848.703</u>	<u>Permit Conditions</u>
91	<u>848.704</u>	<u>Standards for Issuance of Tire Storage Permits</u>
92	<u>848.705</u>	<u>Permit No Defense</u>
93	<u>848.706</u>	<u>Permit Revision</u>
94	<u>848.707</u>	<u>No Transfer of Permits</u>
95	<u>848.708</u>	<u>Permit Revocation</u>
96		
97	848.APPENDIX A	"Financial Assurance Forms" (Repealed)
98	848.ILLUSTRATION A	"Trust Agreement"(Repealed)
99	848.ILLUSTRATION B	"Certification of Acknowledgement"(Repealed)
100	848.ILLUSTRATION C	"Irrevocable Standby Letter of Credit"(Repealed)
101	848.ILLUSTRATION D	"Owner or Operator's Bond Without Surety"(Repealed)
102	848.ILLUSTRATION E	"Owner or Operator's Bond With Parent Surety"(Repealed)
103	848.ILLUSTRATION F	"Letter from the Chief Financial Officer"(Repealed)

104  
 105 AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental  
 106 Protection Act [415 ILCS 5/55.2 and 27].  
 107

108 SOURCE: Adopted in R90-9(A) at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-  
 109 9(B) at 16 Ill. Reg. 3114, effective February 14, 1992 amended in R98-9 at 22 Ill. Reg. 11420,  
 110 effective June 23, 1998; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.  
 111

112 SUBPART A: GENERAL

113  
 114 **Section 848.101 Applicability**  
 115

116 Section 55 of the Illinois Environmental Protection Act [415 ILCS 5/55] (Ill. Rev. Stat. 1989, ch.  
 117 111½, par. 1055) sets forth prohibitions relative to the storage, processing, disposal and  
 118 transportation of used and waste tires. This Part sets forth rules establishing further requirements  
 119 relative to the storage, processing, disposal and transportation of used and waste tires.  
 120 Notwithstanding any other provision of this Part, this Part does not apply to:

- 121
- 122 a) two-inch-minus chips supplied to a purchaser under a contract for purchase or  
 123 other sale; Altered tires which have been chopped, shredded or processed, such that  
 124 the individual dimensions of height, length and width of the tire product are two  
 125 inches or less (an industry standard known as "two inch minus");
  - 126
  - 127 b) converted tires manufactured to an exact specification and supplied to a purchaser  
 128 under a contract for purchase or other sale; Converted, new or reprocessed tires; or  
 129

- 130 c) ~~new or reprocessed tires; Reused tires which have been altered to prevent the~~  
131 ~~accumulation of water.~~  
132  
133 d) reused tires altered to prevent the accumulation of water;  
134  
135 e) used or waste tires exempted pursuant to Section 55.1 of the Act;  
136  
137 f) used tires located at a tire storage site at which not more than 50 used tires are  
138 located at any one time;  
139  
140 g) used or waste tires managed at a municipal solid waste landfill in accordance with  
141 a solid waste permit issued by the Agency;  
142  
143 h) used or waste tires altered, by shredding or slicing, and stored at the site where  
144 burned as fuel; or  
145  
146 i) used or waste tires managed under, and in accordance with, a beneficial use  
147 determination issued pursuant to Section 22.54 of the Act.  
148

149 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
150

151 **Section 848.104 Definitions**  
152

153 For the purposes of this Part, except as the context otherwise clearly requires, the words and  
154 terms defined in this Section shall have the meanings given in this Section herein. Words and  
155 terms not defined in this Section shall have the meanings otherwise set forth in the Act and rules  
156 and regulations adopted under the Act thereunder.  
157

158 "Act" means the Illinois-Environmental Protection Act [415 ILCS 5].  
159

160 "Agency" is the Environmental Protection Agency established by the Act. [415  
161 ILCS 5/3.105]  
162

163 "Aisle" means an accessible clear space that is:  
164

165 located indoors and between each storage pile and all other between  
166 storage piles, or groups of storage piles, combustible materials, and indoor  
167 activities at the site that present a risk of fire;  
168

169 maintained in a manner that provides for unobstructed storage pile access,  
170 movement of equipment suitable for housekeeping operations, visual  
171 inspection of storage piles, piling areas and initial fire fighting operations.  
172

173 "Altered tire" means a used tire which has been altered so that it is no longer  
 174 capable of holding accumulations of water, including, but not limited to, used  
 175 tires that have been shredded, chopped, drilled with holes sufficient to assure  
 176 drainage, slit longitudinally and stacked so as not to collect water, or wholly or  
 177 partially filled with cement or other material to prevent the accumulation of  
 178 water. "Alteration" or "altering" means action which produces an altered tire.  
 179 [415 ILCS 5/54.01] "ALTERED TIRE" MEANS A USED TIRE WHICH HAS  
 180 BEEN ALTERED SO THAT IT IS NO LONGER CAPABLE OF HOLDING  
 181 ACCUMULATIONS OF WATER, INCLUDING, BUT NOT LIMITED TO,  
 182 USED TIRES THAT HAVE BEEN SHREDDED, CHOPPED, DRILLED WITH  
 183 HOLES SUFFICIENT TO ASSURE DRAINAGE, SLIT LONGITUDINALLY  
 184 AND STACKED SO AS NOT TO COLLECT WATER, OR WHOLLY OR  
 185 PARTIALLY FILLED WITH CEMENT OR OTHER MATERIAL TO  
 186 PREVENT THE ACCUMULATION OF WATER. "ALTERATION" OR  
 187 "ALTERING" MEANS ACTION WHICH PRODUCES AN ALTERED TIRE.  
 188 (Section 54.01 of the Act)

189  
 190 "Converted tire" means a used tire which has been manufactured into a usable  
 191 commodity other than a tire. "Conversion" or "Converting" means action which  
 192 produces a converted tire. Usable products manufactured from tires, which  
 193 products themselves are capable of holding accumulations of water, shall be  
 194 deemed to be "converted" if they are stacked, packaged, boxed, containerized or  
 195 enclosed in such a manner as to preclude exposure to precipitation prior to sale  
 196 or conveyance. [415 ILCS 5/54.02] "CONVERTED TIRE" MEANS A USED  
 197 TIRE WHICH HAS BEEN MANUFACTURED INTO A USABLE  
 198 COMMODITY OTHER THAN A TIRE. "CONVERSION" OR  
 199 "CONVERTING" MEANS ACTION WHICH PRODUCES A CONVERTED  
 200 TIRE. USABLE PRODUCTS MANUFACTURED FROM TIRES, WHICH  
 201 PRODUCTS ARE THEMSELVES CAPABLE OF HOLDING  
 202 ACCUMULATIONS OF WATER, SHALL BE DEEMED TO BE  
 203 "CONVERTED" IF THEY ARE STACKED, PACKAGED, BOXED,  
 204 CONTAINERIZED OR ENCLOSED IN SUCH A MANNER AS TO  
 205 PRECLUDE EXPOSURE TO PRECIPITATION PRIOR TO SALE OR  
 206 CONVEYANCE. (Section 54.02 of the Act)

207  
 208 "Covered Tire" means a used tire located in a building, vehicle or facility with a  
 209 roof extending over the tire, or securely located under a material so as to  
 210 preclude exposure to precipitation. [415 ILCS 5/54.03] "COVERED TIRE"  
 211 MEANS A USED TIRE LOCATED IN A BUILDING, VEHICLE OR  
 212 FACILITY WITH A ROOF EXTENDING OVER THE TIRE, OR SECURELY  
 213 LOCATED UNDER A MATERIAL SO AS TO PRECLUDE EXPOSURE TO  
 214 PRECIPITATION. (Section 54.03 of the Act)  
 215

216 "Disposal" means the placement of used tires into or on any land or water except  
217 as an integral part of systematic reuse or conversion in the regular course of  
218 business. [415 ILCS 5/54.04] "DISPOSAL" MEANS THE PLACEMENT OF  
219 USED TIRES INTO OR ON ANY LAND OR WATER EXCEPT AS AN  
220 INTEGRAL PART OF SYSTEMATIC REUSE OR CONVERSION IN THE  
221 REGULAR COURSE OF BUSINESS. (Section 54.04 of the Act)  
222

223 "Firebreak" means an accessible, clear space that is:  
224

225 located outdoors and between each storage pile and all other storage piles,  
226 groups of storage piles, buildings, property boundaries, trees, combustible  
227 ground vegetation, combustible materials, and outdoor activities at the site  
228 that present a risk of fire; and  
229

230 maintained in a manner that provides for unobstructed storage pile access,  
231 movement of equipment, visual inspection of storage piles, and  
232 firefighting operations.  
233

234 "Fully enclosed container" means a portable, hard-walled, lockable receptacle that  
235 is impervious to precipitation and surface runoff. "Fully enclosed container" does  
236 not include any container that is overfilled and cannot, as a result, be locked.  
237

238 "New tire" means a tire which has never been placed on a vehicle wheel rim.  
239 [415 ILCS 5/54.05] "NEW TIRE" MEANS A TIRE WHICH HAS NEVER  
240 BEEN PLACED ON A VEHICLE WHEEL RIM. (Section 54.05 of the Act)  
241

242 "Passenger tire equivalent" means an average-sized passenger tire weighing 22.5  
243 pounds.  
244

245 "Processing" means the altering, converting or reprocessing of used or waste  
246 tires. [415 ILCS 5/54.06] "PROCESSING" MEANS THE ALTERING,  
247 CONVERTING OR REPROCESSING OF USED OR WASTE TIRES. (Section  
248 54.06 of the Act)  
249

250 "Recyclable tire" means a used tire which is free of permanent physical damage  
251 and maintains sufficient tread depth to allow its use through resale or repairing.  
252 [415 ILCS 5/54.06(a)] "RECYCLABLE TIRE" MEANS A USED TIRE WHICH  
253 IS FREE OF PERMANENT PHYSICAL DAMAGE AND MAINTAINS  
254 SUFFICIENT TREAD DEPTH TO ALLOW ITS USE THROUGH RESALE OR  
255 REPAIRING. (Section 54.06(a) of the Act)  
256

257 "Reprocessed tire" means a used tire which has been recapped, retreaded or  
258 regrooved and which has not been placed on a vehicle wheel rim. [415 ILCS

259 ~~5/54.07] "REPROCESSED TIRE" MEANS A USED TIRE WHICH HAS BEEN~~  
 260 ~~RECAPPED, RETREADED OR REGROOVED AND WHICH HAS NOT~~  
 261 ~~BEEN PLACED ON A VEHICLE WHEEL RIM. (Section 54.07 of the Act)~~  
 262

263 "Retread" or "Retreading" means the process of attaching tread to a tire carcass~~the~~  
 264 ~~easing of used tires.~~

265  
 266 *"Reused tire" means a used tire that is used again, in part or as a whole, by being*  
 267 *employed in a particular function or application as an effective substitute for a*  
 268 *commercial product or fuel without having been converted. [415 ILCS 5/54.08]*

269 ~~"REUSED TIRE" MEANS A USED TIRE THAT IS USED AGAIN, IN PART~~  
 270 ~~OR AS A WHOLE, BY BEING EMPLOYED IN A PARTICULAR FUNCTION~~  
 271 ~~OR APPLICATION AS AN EFFECTIVE SUBSTITUTE FOR A~~  
 272 ~~COMMERCIAL PRODUCT OR FUEL WITHOUT HAVING BEEN~~  
 273 ~~CONVERTED. (Section 54.08 of the Act)~~  
 274

275 *"Storage" means any accumulation of used tires that does not constitute disposal.*

276 *At a minimum, such an accumulation must be an integral part of the systematic*  
 277 *alteration, reuse, reprocessing or conversion of the tire in the regular course of*  
 278 *business. [415 ILCS 5/54.09] "STORAGE" MEANS ANY ACCUMULATION*  
 279 ~~OF USED TIRES THAT DOES NOT CONSTITUTE DISPOSAL. AT A~~  
 280 ~~MINIMUM, SUCH AN ACCUMULATION MUST BE AN INTEGRAL PART~~  
 281 ~~OF THE SYSTEMATIC ALTERATION, REUSE, REPROCESSING OR~~  
 282 ~~CONVERSION OF THE TIRE IN THE REGULAR COURSE OF BUSINESS.~~  
 283 ~~(Section 54.09 of the Act)~~  
 284

285 *"Tire" means a hollow ring, made of rubber or similar materials, which was*  
 286 *manufactured for the purpose of being placed on the wheel rim of a vehicle. [415*  
 287 *ILCS 5/54.10] "TIRE" MEANS A HOLLOW RING, MADE OF RUBBER OR*  
 288 *SIMILAR MATERIALS, WHICH WAS MANUFACTURED FOR THE*  
 289 *PURPOSE OF BEING PLACED ON THE WHEEL RIM OF A VEHICLE.*  
 290 ~~(Section 54.10 of the Act)~~  
 291

292 *"Tire carcass" means the internal part of a used tire containing the plies, beads,*  
 293 *and belts suitable for retread or remanufacture. [415 ILCS 5/54.10a] "TIRE*  
 294 *CARCASS" MEANS THE INTERNAL PART OF A USED TIRE*  
 295 *CONTAINING THE PLYS, BEADS, AND BELTS SUITABLE FOR*  
 296 *RETREAD OR REMANUFACTURE. (Section 54.10(a) of the Act)*  
 297

298 *"Tire derived fuel" means a product made from used tires to exact specifications*  
 299 *of a system designed to accept a tire derived fuel as a primary or supplemental*  
 300 *fuel source. [415 ILCS 5/54.10b] "TIRE DERIVED FUEL" MEANS A*  
 301 *PRODUCT MADE FROM USED TIRES TO EXACT SPECIFICATION OF A*

302 SYSTEM DESIGNED TO ACCEPT A TIRE DERIVED FUEL AS A  
303 PRIMARY OR SUPPLEMENTAL FUEL SOURCE. (Section 54.10(b) of the  
304 Act)

305  
306 "Tire disposal site" means a site where used tires have been disposed of other  
307 than a sanitary landfill permitted by the Agency. [415 ILCS 5/54.11] "TIRE  
308 DISPOSAL SITE" MEANS A SITE WHERE USED TIRES HAVE BEEN  
309 DISPOSED OF OTHER THAN AT A LANDFILL PERMITTED BY THE  
310 AGENCY, OR OPERATED IN ACCORDANCE WITH SECTION 55(D) OF  
311 THE ACT. (Section 54.11 of the Act)

312  
313 "TIRE RETREADER" MEANS A PERSON OR FIRM THAT RETREADS OR  
314 REMANUFACTURES TIRES. (Section 54.11(a) of the Act)

315  
316 "Tire stamping and die cutting facility" means a facility that stamps or die cuts an  
317 average of at least 100 tires per operating day.

318  
319 "Tire storage site" means a site where used tires are stored or processed, other  
320 than:

321  
322 the site at which the tires were separated from the vehicle wheel rim;

323  
324 the site where the used tires were accepted in trade as part of a sale of  
325 new tires;

326  
327 a site at which tires are sold at retail in the regular course of business,  
328 and at which not more than 250 used tires are kept at any time; or

329  
330 a facility at which tires are sold at retail provided that the facility  
331 maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300  
332 used tires on site and those tires are stored inside a building so that they  
333 are prevented from accumulating water. [415 ILCS 5/54.12] "TIRE

334 STORAGE SITE" MEANS A SITE WHERE USED TIRES ARE  
335 STORED OR PROCESSED, OTHER THAN THE SITE AT WHICH  
336 THE TIRES WERE SEPARATED FROM THE VEHICLE WHEEL  
337 RIM, THE SITE WHERE THE USED TIRES WERE ACCEPTED IN  
338 TRADE AS PART OF A SALE OF NEW TIRES, OR A SITE AT  
339 WHICH BOTH NEW AND USED TIRES ARE SOLD AT RETAIL IN  
340 THE REGULAR COURSE OF BUSINESS, AND AT WHICH NOT  
341 MORE THAN 250 USED TIRES ARE KEPT AT ANY TIME OR A  
342 FACILITY AT WHICH TIRES ARE SOLD AT RETAIL PROVIDED  
343 THAT THE FACILITY MAINTAINS LESS THAN 1300  
344 RECYCLABLE TIRES, 1300 TIRE CARCASSES, AND 1300 USED

345 TIRES ON SITE AND THOSE TIRES ARE STORED INSIDE A  
346 BUILDING SO THAT THEY ARE PREVENTED FROM  
347 ACCUMULATING WATER. (Section 54.12 of the Act)  
348

349 "TIRE STORAGE UNIT" MEANS A PILE OF TIRES OR A GROUP OF PILES  
350 OF TIRES AT A STORAGE SITE. (Section 54.12(a) of the Act)  
351

352 "Tire transporter" means a person who transports used or waste tires in a  
353 vehicle. [415 ILCS 5/54.12b] "TIRE TRANSPORTER" MEANS A PERSON  
354 WHO TRANSPORTS USED OR WASTE TIRES IN A VEHICLE. (Section  
355 54.12(b) of the Act)  
356

357 "Two-inch-minus chips" means altered tires shredded or processed into pieces  
358 having no individual dimension greater than 2 inches.  
359

360 "Unit of local government" means a unit of local government as defined in Article  
361 VII, Section 1 of the Illinois Constitution.  
362

363 "Used tire" means a worn, damaged, or defective tire that is not mounted on a  
364 vehicle and any portion of such a tire. [415 ILCS 5/54.13] "USED TIRE" MEANS  
365 A WORN, DAMAGED OR DEFECTIVE TIRE WHICH IS NOT MOUNTED ON A  
366 VEHICLE WHEEL RIM. (Section 54.13 of the Act)  
367

368 "VECTOR" MEANS ARTHROPODS, RATS, MICE, BIRDS OR OTHER  
369 ANIMALS CAPABLE OF CARRYING DISEASE PRODUCING ORGANISMS TO  
370 A HUMAN OR ANIMAL HOST. "VECTOR" DOES NOT INCLUDE ANIMALS  
371 THAT TRANSMIT DISEASE TO HUMANS ONLY WHEN USED AS HUMAN  
372 FOOD. (Section 54.14 of the Act)  
373

374 "Vehicle" means every device in, upon or by which any person or property is or  
375 may be transported or drawn, except devices moved by human power or by  
376 animal power, devices used exclusively upon stationary rails or tracks, and  
377 motorized wheelchairs. [415 ILCS 5/54.15] "VEHICLE" MEANS EVERY  
378 DEVICE IN, UPON OR BY WHICH ANY PERSON OR PROPERTY IS OR  
379 MAY BE TRANSPORTED OR DRAWN, EXCEPT DEVICES MOVED BY  
380 HUMAN POWER OR BY ANIMAL POWER, DEVICES USED  
381 EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS, AND  
382 MOTORIZED WHEELCHAIRS. (Section 54.15 of the Act)  
383

384 "Waste tire" means a used tire that has been disposed of and any portion of such a  
385 tire. [415 ILCS 5/54.16] WASTE TIRE" MEANS A USED TIRE THAT HAS  
386 BEEN DISPOSED OF. (Section 54.16 of the Act)  
387

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.105 Incorporation by Reference**

- a) The Board incorporates the following documentdœuments by reference:
  - 1) NFPA 51B, "Standard for Fire Prevention During Welding, Cutting, and Other Hot Work", 2014 Edition, National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy MA 02169-7471, National Consensus Standard, NFPA 231D (1989) by reference.
  - 2) 49 CFR 571.117 (1989).
  - 3) 49 CFR 574 (1989).
  - 4) "Accounting Standards, General Standards", 1988/89 Edition, as of June 1, 1988, available from the Financial Accounting Standards Board, 401 Merrit 7, P.O. Box 5116, Norwalk, CT 06856-5116.
  - 5) "Auditing Standards"—Current Text, August 1, 1990 Edition, available from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036.
- b) This Section incorporates no later amendments or editions.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.106 Estimating the Weight of Used and Waste Tire Accumulations**

- a) If the weight of an accumulation of used or waste tires is unknown, its weight may, for the purposes of this Part, be calculated by multiplying the volume of the accumulation, measured in cubic yards, by the appropriate density factor listed in this subsection (a).
  - 1) Whole Tires in Shallow Piles  
For a used or waste tire accumulation that is not greater than 10 feet in height and that is composed exclusively of used or waste tires that have not been chopped or shredded, the appropriate density factor is 0.11 tons per cubic yard, unless the tires in the accumulation are stacked or laced, in which case the appropriate density factor is 0.17 tons per cubic yard.
  - 2) Whole Tires in Deep Piles

430 For a used or waste tire accumulation that is greater than 10 feet in height  
431 and that is composed exclusively of used or waste tires that have not been  
432 chopped or shredded, the appropriate density factor is 0.13 tons per cubic  
433 yard, unless the tires in the accumulation are stacked or laced, in which  
434 case the appropriate density factor is 0.17 tons per cubic yard.

435  
436 3) Coarse Shreds in Shallow Piles

437 For a used or waste tire accumulation that is not greater than 10 feet in  
438 height and that is composed exclusively of used or waste tires that have  
439 been chopped or shredded into pieces having any dimension that is greater  
440 than or equal to 4 inches, the appropriate density factor is 0.36 tons per  
441 cubic yard.

442  
443 4) Coarse Shreds in Deep Piles

444 For a used or waste tire accumulation that is greater than 10 feet in height  
445 and that is composed exclusively of used or waste tires that have been  
446 chopped or shredded into pieces having any dimension that is greater than  
447 or equal to 4 inches, the appropriate density factor is 0.44 tons per cubic  
448 yard.

449  
450 5) Fine Shreds in Shallow Piles

451 For a used or waste tire accumulation that is not greater than 10 feet in  
452 height and that is composed exclusively of used or waste tires that have  
453 been chopped or shredded into pieces having no dimension that is greater  
454 than or equal to 4 inches, the appropriate density factor is 0.47 tons per  
455 cubic yard.

456  
457 6) Fine Shreds in Deep Piles

458 For a used or waste tire accumulation that is greater than 10 feet in height  
459 and that is composed exclusively of used or waste tires that have been  
460 chopped or shredded into pieces having no dimension that is greater than  
461 or equal to 4 inches, the appropriate density factor is 0.58 tons per cubic  
462 yard.

463  
464 7) Mixtures of Coarse and Fine Shreds in Shallow Piles

465 For a used or waste tire accumulation that is not greater than 10 feet in  
466 height and that is composed of used or waste tires that have been chopped  
467 or shredded not only into pieces having no dimension that is greater than  
468 or equal to 4 inches but also into pieces having a dimension that is greater  
469 than or equal to 4 inches, the appropriate density factor is 0.47 tons per  
470 cubic yard.

471  
472 8) Mixtures of Coarse and Fine Shreds in Deep Piles

473 For a used or waste tire accumulation that is greater than 10 feet in height  
 474 and that is composed of used or waste tires that have been chopped or  
 475 shredded not only into pieces having no dimension that is greater than or  
 476 equal to 4 inches but also into pieces having a dimension that is greater  
 477 than or equal to 4 inches, the appropriate density factor is 0.58 tons per  
 478 cubic yard.

- 479  
 480 b) A used or waste tire storage pile may be divided into more than one accumulation  
 481 of used or waste tires for the purposes of making the calculation described in  
 482 subsection (a).

483  
 484 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 485

486 SUBPART B: MANAGEMENT STANDARDS  
 487

488 **Section 848.201 Applicability**  
 489

- 490 a) Except to the extent exempted by subsection (b) or (c), the owners and operators  
 491 of tire storage sites and the owners and operators of tire disposal sites are subject  
 492 to this Subpart. This Part does not apply to used and waste tires exempted pursuant  
 493 to Section 55.1 of the Act.  
 494  
 495 b) The owners and operators of any tire retreading facilities at which less than  
 496 10,000 but more than 5,000 used or waste tires are located on site at any one time  
 497 and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, as  
 498 well as the owners and operators of any tire stamping and die cutting facilities at  
 499 which less than 10,000 but more than 5,000 used or waste tires are located on site  
 500 at any one time and at which the requirements of Sections 848.202(b)(3) and  
 501 848.203 are met, are otherwise exempt from this Subpart with respect to those  
 502 facilities.  
 503  
 504 c) The owners and operators of any tire retreading facilities at which 5,000 or fewer  
 505 used or waste tires are located on site at any one time and at which the  
 506 requirements of Section 848.202(b)(3) are met, as well as the owners and  
 507 operators of any tire stamping and die cutting facilities at which 5,000 or fewer  
 508 used or waste tires are located on site at any one time and at which the  
 509 requirements of Section 848.202(b)(3) are met, are otherwise exempt from this  
 510 Subpart with respect to those facilities. Owners and operators of tire storage sites  
 511 and tire disposal sites whose operations are not specifically exempted by  
 512 subsections (e) through (f) shall:  
 513  
 514 1) Meet the requirements of this Part by January 1, 1992 if used or waste tires were  
 515 disposed of or stored prior to January 1, 1992; or

516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557

- z) ~~Meet the requirements of this Part prior to storing or disposing any used or waste tires at the site if the site first accepts tires for storage or disposal after January 1, 1992.~~
- e) ~~Tire storage sites and tire disposal sites where less than 50 used or waste tires are stored at the site are exempted from the requirements of this Part. However, the prohibition of Section 55 of the Act do apply to such sites.~~
- d) ~~This Part does not apply to used or waste tires disposed in permitted areas of landfills permitted by the Agency pursuant to 35 Ill. Adm. Code: Subtitle G: Waste Disposal. Used or waste tires stored at a landfill permitted pursuant to 35 Ill. Adm. Code: Subtitle G: Waste Disposal are subject to the requirements of this Part.~~
- e) ~~Owners or Operators who comply with the requirements of this Part are not subject to the provisions of 35 Ill. Adm. Code 849.~~
- f) ~~Used or waste tires which have been altered by chopping, shredding or slicing, and stored at the site where such tires are burned as fuel, are exempted from the requirements of this Part.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.202 Requirements**

- a) ~~(Reserved)Unless exempted by Section 848.201, owners and operators of tire storage sites and tire disposal sites shall meet the requirements of this Section. These requirements shall apply to all used or waste tires located at the site, including altered tires, converted tires and reprocessed tires.~~
- b) ~~Owners and operators of anyAt sites at which more than 50 used or waste tires are located at any one time mustthe owner or operator shall comply with the following requirements:~~
  - 1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless the used or waste tires are placed on or accumulated in a storage pile that is separated from:
    - A) all other storage piles by a firebreak that is not less than 40 feet wide;

- 558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574
- B) all buildings, whether on or off site, by a firebreak that is not less than 50 feet wide;
  - C) all of the site's property boundaries by a firebreak that is not less than 50 feet wide;
  - D) all outdoor activities at the site that present a risk of fire by a firebreak that is not less than 250 feet wide;
  - E) all trees by a firebreak that is not less than 100 feet wide;
  - F) all grass, weeds, brush, and combustible ground vegetation by a firebreak that is not less than 40 feet wide; and
  - G) any combustible material not listed in this subsection (b)(1) by a firebreak that is not less than 40 feet wide.
- 575 2) No used or waste tires shall be placed or accumulated outside of a building  
576 or fully enclosed container, unless they are placed on or accumulated in a  
577 storage pile that:
- A) is no more than 10 feet high by 50 feet wide by 100 feet long; and
  - B) has no side slope angle that exceeds 60 degrees from horizontal.
- 578  
579  
580  
581  
582
- 583 3) No used or waste tires shall be placed or accumulated on site unless they  
584 are drained of water and prevented from accumulating water thereafter.
- 585  
586 4) If more than 20 used or waste tires are accepted at the site from a vehicle  
587 that fails to display the placard required under Subpart F, the owner or  
588 operator of the site must collect the following information and forward it  
589 to the Agency within 5 business days after accepting the tires:
- A) the name, address, and driver's license number of the person  
591 driving the vehicle;
  - B) the license plate number and vehicle identification number (VIN)  
592 of the vehicle; and
  - C) any available information about the sources of the tires being  
593 accepted.
- 594  
595  
596  
597  
598  
599

- 600 5) No used or waste tires shall be placed or accumulated on site in any area  
 601 where the grade of the ground surface exceeds two percent slope, unless  
 602 the used or waste tires are stored within a berm or other structure that  
 603 satisfies the requirements of subsection (d)(1)(C).
- 604
- 605 6) All activities at the site that present a risk of fire must be conducted either:  
 606
- 607 A) within a building and in accordance with Section 848.204(c)(4); or  
 608
- 609 B) outdoors and separated from all used or waste tires by at least 250  
 610 feet.
- 611
- 612 1) ~~Used or waste tires shall not be placed on or accumulated in any pile~~  
 613 ~~outside of any building unless the pile is separated from all other piles by~~  
 614 ~~no less than 25 feet and aisle space is maintained to allow the unobstructed~~  
 615 ~~movement of personnel and equipment.~~
- 616
- 617 2) ~~Used or waste tires shall not be accumulated in any area located outside of~~  
 618 ~~any building unless the accumulation is separated from all buildings,~~  
 619 ~~whether on or off the site, by no less than 25 feet.~~
- 620
- 621 3) ~~Used or waste tires shall not be placed on or accumulated in any pile~~  
 622 ~~unless the pile is separated from all potential ignition sources, including~~  
 623 ~~cutting and welding devices, and open fires, by not less than 250 feet or all~~  
 624 ~~such activities are carried out within a building.~~
- 625
- 626 4) ~~Used or waste tires shall be drained of water on the day of generation or~~  
 627 ~~receipt.~~
- 628
- 629 5) ~~Used or waste tires received at the site shall not be stored unless within 14~~  
 630 ~~days after the receipt of any used tire the used tire is altered, reprocessed,~~  
 631 ~~converted, covered or otherwise prevented from accumulating water. All~~  
 632 ~~used and waste tires received at the site before June 1, 1989, shall be~~  
 633 ~~altered, reprocessed, converted, covered or otherwise prevented from~~  
 634 ~~accumulating water by January 1, 1992.~~
- 635
- 636 6) *Used or waste tires shall not be abandoned, dumped or disposed on*  
 637 *private or public property in Illinois, except in a landfill permitted by the*  
 638 *Agency pursuant to 35 Ill. Adm. Code 807 or 811. (Section 55(a)(5) of the*  
 639 *Act)*
- 640
- 641 7) ~~Used or waste tires shall not be accepted from a vehicle in which more~~  
 642 ~~than 20 tires are loaded unless the vehicle displays a placard issued by the~~

- 643 Agency under Subpart F.  
 644  
 645 8) Tires shall not be accumulated in an area if the grade of the ground surface  
 646 exceeds two percent slope unless the requirements of subsection (d)(3) are  
 647 met.  
 648  
 649 c) In addition to the requirements set forth in subsection (b), owners and operators of  
 650 any sites at which more than 60 tons of used or waste tires are located at any one  
 651 time must the owner or operator shall comply with the following requirements at  
 652 sites at which more than 500 used or waste tires are located.  
 653  
 654 1) The A contingency planning and emergency response requirements of  
 655 Section 848.203 must be met plan which meets the requirements of Section  
 656 848.203 shall be maintained.  
 657  
 658 2) The recordkeeping and reporting requirements of Subpart C must shall be  
 659 met.  
 660  
 661 3) A tire storage plan that is designed to ensure compliance with the  
 662 requirements of this Section must be developed for the site and must be  
 663 adhered to at all times. A copy of the plan must be maintained on site and  
 664 must be made available at the site for inspection and photocopying by the  
 665 Agency during normal business hours. Used or waste tires shall not be  
 666 placed on or accumulated in any pile unless the pile is separated from  
 667 grass, weeds, brush, over-hanging tree limbs and similar vegetative growth  
 668 by no less than 50 feet.  
 669  
 670 4) Used or waste tires shall not be placed on or accumulated in any tire  
 671 storage unit unless the unit is no more than 20 feet high by 250 feet wide  
 672 by 250 feet long. In determining the width or length of any tire storage  
 673 unit the aisle space between any piles within the unit shall be included.  
 674  
 675 5) Used or waste tires shall not be placed or accumulated in any tire storage  
 676 unit unless one of the following requirements is met:  
 677  
 678 A) The tire storage unit is separated from all buildings, whether  
 679 located on or off the site, and all other tire storage units by an  
 680 earthen berm that is no less than 1.5 times the maximum height of  
 681 any tire pile within the storage unit; or  
 682  
 683 B) The tire storage unit is separated from all buildings, whether  
 684 located on or off the site, and all other tire storage units by a  
 685 separation distance that is not less than the distance identified by

686  
687  
688  
689  
690  
691  
692

the following:

Required Separation Distances  
From Tire Storage Units (in feet)

		Tire Storage Unit Height			
		8	12	16	20
Unit Face Dimensions	25	56	67	77	85
	50	75	93	107	118
	100	100	128	146	164
	150	117	149	178	198
	200	130	167	198	226
	250	140	181	216	245

693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720

- d) In addition to the requirements set forth in subsections (b) and (c), owners and operators of any sites at which more than 125 tons of used or waste tires are located at any one time must the owner or operator shall comply with the following requirements: at sites at which more than 10,000 used or waste tires are located.
- 1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless:
    - A) the area of the site where used or waste tires are stored in an areashall be completely surrounded by fencing that is:
      - i) at least 6 feet high; and
      - ii) in good repair; which is not less than 6 feet in height.
    - B) Entrance to the area where the used or waste tires are located are shall be controlled at all times by an attendant, locked entrancesentrance, television monitors, controlled roadway access or other equivalent mechanisms;:-
    - C) The area of the site where used or waste tires are stored shall be completely surrounded by an earthen berm or another walled, impermeable, abovegroundother structure that is, in either case, not less than 2 feet in height, and capable of containing runoff resulting from tire fires, and crossed by a stabilized roadway at not less than 2 points of access that are sufficiently separated from one

another to provide 2 independent means of ingress and egress during fire conditions; and accessible by fire fighting equipment, except that the owner or operator shall provide a means for access through or over the berm or other structure.

D) one or more stabilized roadways provide firefighting personnel and equipment access to all portions of the tire storage area.

2) No used or waste tires shall be placed or accumulated within 250 feet horizontally of the ground surface directly beneath any electrical power line that has a voltage in excess of 750 volts or that supplies power to a fire emergency system.

3) The perimeter of each group of storage piles at the site must be separated at all times from the perimeter of all other groups of storage piles at the site by a firebreak of at least 75 feet. No group of storage piles may be composed of more than 3 individual storage piles, and no storage pile in such a group may have dimensions greater than those described in subsection (b)(2).

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.203 Contingency Planning and Emergency Response Plan**

Owners and operators of any sites at which more than 60 tons of used or waste tires are located at any one time must:

a) ~~If an owner or operator of a tire storage site or tire disposal site is required by Section 848.202 to have a contingency plan under this Section, the owner or operator must meet the contingency plan requirements of this Section.~~

a)b) establish and maintain, for each site that is subject to the requirements of this Section, aThe contingency plan that:

1) ~~minimizes~~must be designed to minimize the hazards to human health and the environment from fires and run-off of contaminants resulting from fires; ~~and from disease-spreading mosquitoes and other nuisance organisms which may breed in water accumulations in used or waste tires.~~

2e) ~~is~~The provisions of this plan must be carried out immediately whenever there is a fire; or run-off resulting from a tire fire, or evidence of mosquito production in used or waste tires.

- 764 3d) ~~describes~~The contingency plan must describe the actions site personnel  
 765 must take in response to fires; and run-off resulting from tire fires; and  
 766 mosquito breeding in used or waste tires.  
 767
- 768 4e) ~~describes~~This contingency plan must include evacuation procedures,  
 769 including, but not limited to, ~~for site personnel which describe signals to~~  
 770 be used to begin evacuation; signals, primary evacuation routes, and  
 771 alternate evacuation routes to be used when(in cases where the primary  
 772 routes could be blocked; by fire). The contingency plan must include  
 773 provisions for pesticide application or other measures for control of  
 774 mosquito breeding in used and waste tires.  
 775
- 776 5) contains an up-to-date emergency equipment list that not only identifies all  
 777 emergency equipment at the facility, such as fire-extinguishing systems,  
 778 fire-suppression material, spill-control equipment, decontamination  
 779 equipment, and communication and alarm systems (internal and external),  
 780 but also describes the physical location and capabilities of each listed  
 781 item; and  
 782
- 783 6) provides the name, address, and telephone number of an employee  
 784 designated as the primary emergency coordinator responsible for  
 785 coordinating emergency response measures at the site, as well as an up-to-  
 786 date list of all alternate emergency coordinators, listed in the order in  
 787 which they will assume responsibility for coordinating emergency  
 788 response measures at the site in the event that the primary emergency  
 789 coordinator or another alternate emergency coordinator is unavailable;  
 790
- 791 b) ensure that all emergency equipment at the site is at all times clean and fit for its  
 792 intended purpose;  
 793
- 794 c) submit a copy of the contingency plan, and all revisions to the plan, to the local  
 795 fire department and obtain, and keep on file for review by the Agency, a  
 796 certificate stating that the plan and all plan revisions have been submitted to and  
 797 approved by the fire department;  
 798
- 799 df) ~~maintain a~~A copy of the contingency plan and all revisions to the plan ~~must be~~  
 800 maintained at the site at all times and make the plan available for inspection and  
 801 photocopying by the Agency during normal business hours; ~~and submitted to the~~  
 802 local fire departments, police departments, the Agency, and state and local  
 803 emergency response teams that may be called upon to provide emergency service.  
 804
- 805 eg) review and amend theThe contingency plan must be reviewed and amended  
 806 within 30 days after;

- 807  
 808  
 809  
 810  
 811  
 812  
 813  
 814  
 815  
 816  
 817  
 818  
 819  
 820  
 821  
 822  
 823  
 824  
 825  
 826  
 827  
 828  
 829  
 830  
 831  
 832  
 833  
 834  
 835  
 836  
 837  
 838  
 839  
 840  
 841  
 842  
 843  
 844  
 845  
 846  
 847  
 848  
 849
- 1) any fire occurs at the site;
  - 2) the site changes in its design, construction, operation, maintenance, or other characteristics in a way that increases the potential for a fire at the site or the release of run-off from a fire at the site; if the plan fails in an emergency or
  - 3) the list of emergency coordinators for the site changes; or;
  - 4) the list of emergency equipment at the site changes;
- f) ensure that, at all times, the primary emergency coordinator or an alternate emergency coordinator is, there must be at least one employee, either on the site premises or on call; that the primary, with responsibility for coordinating all emergency response measures. This emergency coordinator and alternate emergency coordinators are must be familiar with all aspects of the contingency plan, all operations and activities at the site, the location of all records within the site and the site layout; and that the primary emergency coordinator and all alternate emergency coordinators. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
- g) notify the Agency immediately if a fire occurs at the site and immediately begin managing, in accordance with all applicable federal and State laws and regulations, all contaminated soils, contaminated waters, and other wastes and materials resulting from the fire; and
- h) within 15 days after each incident that requires implementation of the contingency plan, submit to the Agency in writing an incident report that includes, at a minimum:
- 1) the name, address, and telephone number of the site owners and operators;
  - 2) the name, address, and telephone number of the site;
  - 3) the date, time, and type of incident (e.g., fire or explosion);
  - 4) the type and quantity of materials involved in the incident;
  - 5) the extent of injuries, if any;
  - 6) an assessment of actual or potential hazards to human health or the environment as a result of the incident;

850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892

- 7) the estimated quantity and disposition of released material that resulted from the incident; and
- 8) a plan and schedule for completing all site remediation required under all applicable federal and State laws and regulations.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.204 Storage of Used and Waste Tires Within Buildings**

- a) Owners ~~and~~ ~~or~~ operators of tire storage sites or tire disposal sites who store used or waste tires within buildings must shall meet the requirements of this Section.
- b) No used ~~Used~~ or waste tires shall may be stored within a building unlessif:
  - 1) the tires are drained of all water prior to placement in the building;
  - 2) all of the building's windows and doors are in working order and are secured to prevent unauthorized access;
  - 3) the building is fully enclosed and has a roof and sides that which are impermeable to precipitation; and
  - 4) the building is not a single family home or other a residential buildingdwelling.
- c) In addition to the requirements set forth in subsection (b), if more than 60 tons of 500 or more used or waste tires are located at any one time at the site ~~stored within a building~~, then the owners and operators of the site mustowner or operator shall:
  - 1) develop, a tire storage plan in consultation with the local fire department, a tire storage plan for all used or waste tires that are stored within any building at the site that or the state fire marshal meeting the following requirements:
    - A) takes into consideration ~~the plan shall be developed by considering~~ the type of building to be used for tire storage; (e.g., i.e. warehouse or former grain elevator); and the type of used or waste tires being stored; (e.g., i.e. whole or shredded);
    - B) identifies, at a minimum, the plan shall include, but not be limited to: the tire storage arrangement; aisle spacingaisle space if

893 necessary; clearance distances between storage tire piles and the  
894 building walls and ceiling, unit heaters, furnaces, ducts, and  
895 furnaces and sprinkler deflectors; and points of access for  
896 firefighting to fire fighting personnel and equipment; and  
897

898 C) maintained on site, adhered to at all times, made available for  
899 inspection and photocopying by the Agency during normal  
900 business hours. The plan shall include the following certification  
901 signed by the owner or operator: "I certify that this tire storage  
902 plan has been developed in consultation with the local fire  
903 department and that a copy of this tire storage plan has been filed  
904 with the local fire department." ~~a copy of the tire storage plan shall~~  
905 ~~be filed with the Agency within 60 days of the effective date of~~  
906 ~~this Part and the plan requirements shall be implemented within 14~~  
907 ~~days of filing the tire storage plan with the Agency;~~

908  
909 2) meet the contingency planning and emergency response requirements  
910 and maintain a contingency plan which meets the requirements of Section  
911 848.203; and

912  
913 3) meet the recordkeeping and reporting requirements of Subpart C; and:

914  
915 4) while conducting in any building at the site any riveting, welding, flame  
916 cutting, or other activity that presents a risk of fire, comply with the NFPA  
917 51B standard for fire prevention during welding, cutting, and other hot  
918 work.

919  
920 d) ~~Buildings constructed after the effective date of these rules for the primary~~  
921 ~~purpose of storing used or waste tires in excess of 10,000 shall comply with the~~  
922 ~~NFPA 231D standard for storage of rubber tires incorporated by reference at~~  
923 ~~Section 848.105.~~

924  
925 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

926  
927 **Section 848.205 Pesticide Treatment**

928  
929 a) Owners ~~and~~ operators of tire storage sites or tire disposal sites treating used or  
930 waste tires with pesticides must ~~pursuant to this Part or Title XIV of the Act:~~

931  
932 1a) use ~~Use~~ a pesticide labeled ~~labelled~~ for control of mosquito larvae unless an  
933 adult mosquito problem is identified;

934  
935 2b) maintain ~~Maintain~~ a record of pesticide use at the site that provides: ~~Such~~

936 a record shall include the following information for each application:

937

938 A1) date Date of pesticide application;

939

940 B2) number Number of used or waste tires treated;

941

942 C3) amount Amount of pesticide applied; and

943

944 D4) type Type of pesticide used.

945

946 e) Notify the Agency of pesticide use within 10 days of each application. The  
947 notification shall include the information listed in subsection (b).

948

949 bd) Persons applying pesticides to used orand waste tires must comply with the  
950 requirements of the Illinois Pesticide Act [415 ILCS 60](Ill. Rev. Stat. 1989, ch.  
951 5, par. 801 et seq.). Information is available from:

952

953 Illinois Department of Agriculture  
954 Bureau of Environmental ProgramsPlant & Apiary Protection  
955 State Fairgrounds  
956 P.O. Box 19281  
957 Springfield, IL 62794-9281

958

959 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

960

961 **Section 848.206 Exemptions for Tire Retreading Facilities (Repealed)**

962

963 a) Existing sites. Sites which meet all of the conditions of subsection (a)(1) are  
964 exempt as set out in subsection (a)(2).

965

966 1) Conditions for exemption.

967

968 A) Registration. The site was operated by a tire retreader who, as of  
969 January 1, 1992, held a valid registration with the U.S. Department  
970 of Transportation as a tire retreader under 49 CFR 571.117 and 574  
971 (October 1, 1990). This incorporation includes no later  
972 amendments or editions.

973

974 B) Number of Tires. The facility contains no more than 100,000  
975 whole used or waste tires.

976

977 C) Equipment. The retreader:

978

- 979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008  
1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1020  
1021
- i) Has equipment at the site which is capable of retreading at least 500 tires per day when operated in accordance with the equipment manufacturer's specifications; and
  - ii) Maintains documentation at the site which demonstrates that an average of 500 or more tires per day of operation were retreaded at the site during the previous calendar year.
- D) Segregation. The owner or operator of the site segregates tires intended to be retreaded from those tires determined to be unsuitable for retreading.
- 2) Scope of Exemption.
- A) The following Sections do not apply:
    - i) Pile separation distances specified at Sections 848.202(b)(1) and (2);
    - ii) Storage limitation on whole tires specified at Section 848.202(b)(5);
    - iii) Tire storage unit requirements of Sections 848.202(c)(4) and (5); and
    - iv) The earthen berm requirement of Section 848.202(d)(3).
  - B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's tire production as shown by documentation maintained at the site.
- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:
- A) Within 90 days after the effective date of these regulations, develop and implement a tire storage plan to minimize the threat of fire and mosquito breeding. Such a plan shall include, but is not limited to, tire storage arrangements, aisle space, access to fire fighting personnel and equipment and mosquito inspection and control.
  - B) Request and submit to the Agency a statement from the Illinois

1022 Department of Public Health that the program developed under  
1023 subsection (a)(3)(A) is adequate to control mosquito larvae and  
1024 pupae; except that, if the Department has not sent a statement  
1025 within 45 days after receipt of the request, such statement need not  
1026 be submitted and the Agency shall make such a determination. The  
1027 owner or operator has the burden of demonstrating that the threat  
1028 of mosquito breeding has been minimized. Requests for such  
1029 statements of determination shall be sent to:

1030  
1031 Division of Environmental Health  
1032 Office of Health Protection  
1033 Illinois Department of Public Health  
1034 525 W. Jefferson Street  
1035 Springfield, Illinois 62761  
1036

1037 b) New sites. Sites which meet all of the conditions of subsection (b)(1) are exempt  
1038 as set out in subsection (b)(2).

1039  
1040 1) Conditions for exemption.

1041  
1042 A) Registration. The site is operated by a tire retreader who, since  
1043 January 1, 1992, first obtained a valid registration with the U.S.  
1044 Department of Transportation as a tire retreader under 49 CFR  
1045 571.117 and 574 (October 1, 1990). This incorporation includes  
1046 no later amendments or editions.

1047  
1048 B) Equipment. The retreader:

1049  
1050 i) Has equipment at the site which is capable of retreading at  
1051 least 500 tires per day when operated in accordance with  
1052 the equipment manufacturer's specifications; and

1053  
1054 ii) Maintains documentation at the site which demonstrates  
1055 that an average of 500 or more tires per operating day were  
1056 retreaded at the site during the previous calendar year.  
1057 However, an owner or operator who does not have a  
1058 calendar year in operation may use estimated production  
1059 for the first two months, and average monthly production  
1060 thereafter, until a calendar year of data is available.

1061  
1062 C) Segregation. The owner or operator of the site segregates tires  
1063 intended to be retreaded from those tires determined to be  
1064 unsuitable for retreading.

1065  
 1066  
 1067  
 1068  
 1069  
 1070  
 1071  
 1072  
 1073  
 1074  
 1075  
 1076  
 1077  
 1078  
 1079  
 1080  
 1081  
 1082  
 1083  
 1084  
 1085  
 1086  
 1087  
 1088  
 1089  
 1090  
 1091  
 1092  
 1093  
 1094  
 1095  
 1096  
 1097  
 1098  
 1099  
 1100  
 1101  
 1102  
 1103  
 1104  
 1105  
 1106  
 1107

- 2) Scope of Exemption.
  - A) The storage limitation for whole tires specified at Section 848.202(b)(5) does not apply.
  - B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's production as shown by documentation maintained at the site. The owner or operator may exclude one fourth of the estimated first 12 months production during the first year of operation.
  
- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:
  - A) Within 90 days after the effective date of these regulations develop and implement a tire storage plan to minimize the threat of mosquito breeding. Such a plan shall include, but is not limited to, mosquito inspection and control.
  - B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (b)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days after the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:
 

Division of Environmental Health  
 Office of Health Protection  
 Illinois Department of Public Health  
 525 W. Jefferson Street  
 Springfield, Illinois 62761
  
- e) Small sites. Sites which meet the conditions of subsection (c)(1) are exempt as set out in subsection (c)(2).
  - 1) Conditions for exemption.
    - A) Number of tires. The facility contains no more than 500 whole

- 1108 used or waste tires.
- 1109
- 1110 B) Registration. The site is operated by a tire retreader who holds a
- 1111 valid registration with the U.S. Department of Transportation as a
- 1112 tire retreader under 49 CFR 571.177 and 574 (October 1, 1990).
- 1113 This incorporation includes no later amendments or editions.
- 1114
- 1115 C) Equipment. The retreader:
- 1116
- 1117 i) Has equipment at the site which is capable of retreading at
- 1118 least 20 tires per day when operated in accordance with
- 1119 equipment manufacturer's specifications; and
- 1120
- 1121 ii) Maintains documentation at the site which demonstrates
- 1122 that an average of 20 tires per day were retreaded at the site
- 1123 during the previous calendar year. However, an owner or
- 1124 operator who does not have a calendar year in operation
- 1125 may use estimated production for the first two months, and
- 1126 average monthly production thereafter, until a calendar year
- 1127 of data is available.
- 1128
- 1129 2) Scope of exemption. The following do not apply:
- 1130
- 1131 A) The pile separation distances specified at Section 848.202(b)(1)
- 1132 and (2); and
- 1133
- 1134 B) The tire storage limitation of Section 848.202(b)(5).
- 1135
- 1136 3) Alternate Management Standards. As a part of the contingency plan
- 1137 requirements of Section 848.203 the owner or operator shall:
- 1138
- 1139 A) Within 90 days after the effective date of these regulations develop
- 1140 and implement a tire storage plan to minimize the threat of fire and
- 1141 mosquito breeding. Such a plan shall include, but is not limited to,
- 1142 tire storage arrangements, aisle space, access to fire fighting
- 1143 personnel and equipment and mosquito inspection and control.
- 1144
- 1145 B) Request and submit to the Agency a statement from the Illinois
- 1146 Department of Public Health that the program developed under
- 1147 subsection (c)(3)(A) is adequate to control mosquito larvae and
- 1148 pupae; except that, if the Department has not sent a statement
- 1149 within 45 days after receipt of the request, such statement need not
- 1150 be submitted and the Agency shall make such a determination.

1151 The owner or operator has the burden of demonstrating that the  
 1152 threat of mosquito breeding has been minimized. Requests for  
 1153 such statements of determination shall be sent to:

1154  
 1155 Division of Environmental Health  
 1156 Office of Health Protection  
 1157 Illinois Department of Public Health  
 1158 525 W. Jefferson Street  
 1159 Springfield, Illinois 62761  
 1160

1161 (Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 1162

1163 **Section 848.207 Exemptions for Tire Stamping and Die Cutting Facilities (Repealed)**  
 1164

1165 a) Existing Sites. Sites which meet all of the conditions of subsection (a)(1) are  
 1166 exempt as set out in subsection (a)(2).  
 1167

1168 1) Conditions for exemption.  
 1169

1170 A) Operation. The site was in operation as a tire stamping and die  
 1171 cutting facility on or before January 1, 1992.  
 1172

1173 B) Number of tires. The facility contains no more than 20,000 whole  
 1174 used or waste tires.  
 1175

1176 C) Equipment. The stamping and die cutting facility has equipment at  
 1177 the site which is capable of stamping and die cutting at least 50  
 1178 tires per day when operated in accordance with the equipment  
 1179 manufacturer's specifications; and  
 1180

1181 D) Documentation. The stamping and die cutting facility maintains  
 1182 documentation at the site which demonstrates that an average of 50  
 1183 or more tires per operating day were processed at the site during  
 1184 the previous calendar year. However, an owner or operator who  
 1185 does not have a calendar year in operation may use estimated  
 1186 production for the first two months, and average monthly  
 1187 production thereafter, until a calendar year of data is available.  
 1188

1189 E) Segregation. The owner or operator of the site segregates tires  
 1190 intended to be stamped or die cut from those tires determined to be  
 1191 unsuitable for stamping or die cutting.  
 1192

1193 2) Scope of exemption.

1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236

- A) The following Sections do not apply:
  - i) Pile separation distances specified at Sections 848.202(b)(1) and (2);
  - ii) The storage limitations on whole tires specified at Section 848.202(b)(5);
  - iii) Tire storage unit requirements of Sections 848.202(c)(4) and (5); and
  - iv) The earthen berm requirement of Section 848.202(d)(3).
  
- B) The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's tire production as shown by documentation maintained at the site.
  
- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:
  - A) Within 90 days after the effective date of these regulations develop and implement a tire storage plan to minimize the threat of fire and mosquito breeding. Such a plan shall include, but is not be limited to, tire storage arrangements, aisle space, access to fire fighting personnel and equipment and mosquito inspection and control.
  
  - B) Request and submit to the Agency a statement from the Illinois Department of Public Health that the program developed under subsection (a)(3)(A) is adequate to control mosquito larvae and pupae; except that, if the Department has not sent a statement within 45 days of receipt of the request, such statement need not be submitted and the Agency shall make such a determination. The owner or operator has the burden of demonstrating that the threat of mosquito breeding has been minimized. Requests for such statements of determination shall be sent to:  
  
Division of Environmental Health  
Office of Health Protection  
Illinois Department of Public Health  
525 W. Jefferson Street  
Springfield, Illinois 62761

1237  
 1238  
 1239  
 1240  
 1241  
 1242  
 1243  
 1244  
 1245  
 1246  
 1247  
 1248  
 1249  
 1250  
 1251  
 1252  
 1253  
 1254  
 1255  
 1256  
 1257  
 1258  
 1259  
 1260  
 1261  
 1262  
 1263  
 1264  
 1265  
 1266  
 1267  
 1268  
 1269  
 1270  
 1271  
 1272  
 1273  
 1274  
 1275  
 1276  
 1277  
 1278  
 1279

- b) ~~New sites. Sites which meet all of the conditions of subsection (b)(1) are exempt as set out in subsection (b)(2).~~
  - 1) ~~Conditions for exemption.~~
    - A) ~~Operation. The site was not in operation as a tire stamping and die cutting facility on or before January 1, 1992.~~
    - B) ~~Equipment. The stamping and die cutting facility has equipment at the site which is capable of stamping and die cutting at least 50 tires per day when operated in accordance with the equipment manufacturer's specifications; and~~
    - C) ~~Documentation. The stamping and die cutting facility maintains documentation at the site which demonstrates that an average of 50 or more tires per operating day were processed at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months, and average monthly production thereafter, until a calendar year of data is available.~~
    - D) ~~Segregation. The owner or operator of the site segregates tires intended to be stamped or die cut from those tires determined to be unsuitable for stamping or die cutting.~~
  - 2) ~~Scope of exemption.~~
    - A) ~~The storage limitation for whole tires specified at Section 848.202(b)(5) does not apply.~~
    - B) ~~The owner or operator may exclude from the cost estimate under Section 848.404 the cost of removing one fourth of the previous calendar year's production as shown by documentation maintained at the site. The owner or operator may use the estimated first 12 months production during the first year of operation.~~
  - 3) ~~Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203 the owner or operator shall:~~
    - A) ~~Within 90 days after the effective date of these regulations develop and implement a tire storage plan to minimize the threat of mosquito breeding. Such a plan shall include, but is not limited to,~~

1280 mosquito inspection and control.

1281  
1282 B) Request and submit to the Agency a statement from the Illinois  
1283 Department of Public Health that the program developed under  
1284 subsection (b)(3)(A) is adequate to control mosquito larvae and  
1285 pupae; except that, if the Department has not sent a statement  
1286 within 45 days after receipt of the request, such statement need not  
1287 be submitted and the Agency shall make such a determination.  
1288 The owner or operator has the burden of demonstrating that the  
1289 threat of mosquito breeding has been minimized. Requests for  
1290 such statements of determination shall sent to:

1291  
1292 Division of Environmental Health  
1293 Office of Health Protection  
1294 Illinois Department of Public Health  
1295 525 W. Jefferson Street  
1296 Springfield, Illinois 62761  
1297

1298 (Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1299

1300 **Section 848.208 Exemptions for Sites with a Tire Removal Agreement (Repealed)**

1301  
1302 Owners and operators of tire disposal sites are exempt from the financial assurance requirements  
1303 of Subpart D as to that site where written approval of a tire removal agreement has been obtained  
1304 from the Agency under Subpart E.

1305  
1306 (Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1307

1308 SUBPART C: RECORDKEEPING AND REPORTING  
1309

1310 **Section 848.301 Applicability**

1311  
1312 a) Except to the extent exempted under subsection (b) or (c), the owners and  
1313 operators~~The requirements of this Subpart shall apply to an owner or operator of~~  
1314 any tire storage sites at which more than 60 tons of used or waste tires are  
1315 located at any one time, as well as the owners and operators of any site or a tire  
1316 disposal sites at which more than 60 tons of used or waste tires are located at any  
1317 one time, are subject to this Subpart~~tire disposal site who is required by the~~  
1318 management standards of Subpart B to maintain records in accordance with this  
1319 Subpart.

1320  
1321 b) The owners and operators of any tire retreading facilities at which fewer than  
1322 10,000 but more than 5,000 used or waste tires are located on site at any one time

and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, as well as the owners and operators of any tire stamping and die cutting facilities at which fewer than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, are exempt from this Subpart with respect to those facilities.

- c) The owners and operators of any tire retreading facilities at which 5,000 or fewer used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, as well as the owners and operators of any tire stamping and die cutting facilities at which 5,000 or fewer used or waste tires are located on site at any one time and at which the requirements of Section 848.202(b)(3) are met, are exempt from this Subpart with respect to those facilities.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.302 Records**

- a) ~~The owner and operator must keep the following records~~ shall keep a record of used and waste tires at the site. ~~The owner and operator shall keep the following records:~~

- 1) Daily Tire Record;
- 2) Annual Tire Summary; and
- 3) Tire Tracking Receipts.

- b) Each Annual Tire Summary submitted to the Agency shall be in a form as prescribed by the Agency.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.303 Daily Tire Record**

- a) ~~The owner or operator must~~ shall maintain the Daily Tire Record at the site; ~~that such record must be maintained in a form and format prescribed by the Agency and must~~ shall include the day of the week, the date, the Agency designated site number and the site name and address.
- b) ~~Information~~ The following information relative to the daily receipt and disposition of used and waste tires at the site must shall be recorded in the Daily Tire Record, including, but not limited to:

1366  
 1367  
 1368  
 1369  
 1370  
 1371  
 1372  
 1373  
 1374  
 1375  
 1376  
 1377  
 1378  
 1379  
 1380  
 1381  
 1382  
 1383  
 1384  
 1385  
 1386  
 1387  
 1388  
 1389  
 1390

- 1) the name and registration number of each tire transporter who transported used or waste tires to the site during the operating day and the weight, in tons, or volume of used or waste tires received at the site from the transporter during the operating business day;
  - 2) the name and registration number of each tire transporter who transported used or waste tires from the site during the operating day, the weight, in tons, or volume of used or waste tires transported from the site by the transporter during the operating business day, and the name, address, and telephone number of and the destination facility; of the tires so transported.
  - 3) the weight, in tons, of used or waste tires burned or combusted at the site during the operating day; and The total number of used or waste tires remaining in storage at the conclusion of the operating business day determined in terms of the passenger tire equivalent (PTE) in accordance with subsection (c).
  - 4) the weight, in tons, of used or waste tires remaining at the site at the conclusion of the operating day The weight or volume of used or waste tires burned or combusted during the operating business day.
- e) The number of tires shall be determined in terms of the passenger tire equivalent (PTE) by weight or by volume as follows:

- 1) PTE based on weight:

$$PTE = W/PTE \text{ weight factor}$$

Where,

W = weight of whole or shredded tires (lb)

PTE Weight factor = 25 lb/PTE

- 2) PTE based on volume:

$$PTE = V/PTE \text{ volume factor}$$

where,

V = volume of whole or shredded tires (ft<sup>3</sup>)

PTE volume factors:

for shredded tires, 1.25 ft<sup>3</sup>/PTE;

for whole tires, 4.00 ft<sup>3</sup>/PTE.

1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398  
1399  
1400  
1401  
1402  
1403  
1404  
1405  
1406  
1407  
1408  
1409  
1410  
1411  
1412  
1413  
1414  
1415  
1416  
1417  
1418  
1419  
1420  
1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1430  
1431  
1432

- 1) PTE based on weight:

$$PTE = W / \text{PTE weight factor}$$

where,

W = weight of whole or shredded tires (lb)

PTE weight factor = 25 lb/PTE

- 2) PTE based on volume:

$$PTE = V / \text{PTE volume factor}$$

where,

V = volume of whole or shredded tires (ft<sup>3</sup>)

PTE volume factors:

for shredded tires, 1.25 ft<sup>3</sup>/PTE;

for whole tires, 4.00 ft<sup>3</sup>/PTE.

- d) If both weight and volume of used or waste tires are monitored at a site, then the weight of the tires shall be used to estimate the PTE by weight in accordance with subsection (c)(1).
- e) The owner or operator may establish procedures different from those specified in subsection (c) for the purposes of estimating the number of tires as long as the number of tires are estimated in terms of passenger tire equivalent. Such methods shall be established based on the different types of used or waste tires including, but not limited to, light truck tires, heavy duty truck tires, and shredded tires and method of stacking.
- f) If the number of used or waste tires is estimated by employing a procedure established in accordance with subsection (c), then the owner or operator shall submit to the Agency such a procedure along with any supporting information such as tire weight and volume data, and method of stacking, within 30 days of the effective date of this Part for Agency approval.
- g) For the purposes of this Part, "passenger tire equivalent" (PTE) means an average sized passenger tire weighing 25 lb, and occupying a volume of 4.0 ft<sup>3</sup> when whole or 1.25 ft<sup>3</sup> when shredded.

1433 ch) Entries on the Daily Tire Record as required to be made under subsection (b)(1)  
 1434 or (2) ~~must by subsection (a) shall~~ be made contemporaneously with the receipt or  
 1435 transport of each load, unless the owner or operator uses a different method of  
 1436 recording the required information ~~that ensures which assures~~ that required  
 1437 information can be entered on the Daily Tire Record by the end of each  
 1438 ~~operatingbusiness~~ day, in which case the information must be recorded in the  
 1439 Daily Tire Record by the end of each ~~operatingbusiness~~ day. Where an  
 1440 alternative method of contemporaneous recording is used, that record, in addition  
 1441 to the Daily Tire Record, must be maintained in accordance with the record  
 1442 retention provisions of Section 848.307848.305. All other entries required to be  
 1443 made in the Daily Tire Record under this Section shall be made at the end of each  
 1444 operating day.

1446 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1448 **Section 848.304 Annual Tire Summary**

- 1449
- 1450 a) The owner or operator ~~must submitshall maintain~~ an Annual Tire Summary to the  
 1451 Agency for each calendar year. The Annual Tire Summary must be in a form and  
 1452 format prescribed by the Agency and must at the site; such record shall include  
 1453 the Agency designated site number, the site name and address, and the calendar  
 1454 year for which the summary applies.
- 1455
- 1456 b) ~~InformationThe following information~~ relative to the annual receipt and  
 1457 disposition of used and waste tires at the site mustshall be recorded in the Annual  
 1458 Tire Summary, including, but not limited to:-
- 1459
- 1460 1) ~~theThe weight, in tons, or volume~~ of used or waste tires received at the site  
 1461 during the calendar year;-
  - 1462
  - 1463 2) ~~theThe weight, in tons, or volume~~ of used or waste tires transported from  
 1464 the site during the calendar year;-
  - 1465
  - 1466 3) the weight, in tons, of used or waste tires burned or combusted at the site  
 1467 during the calendar year; andThe total number of used or waste tires  
 1468 determined in terms of passenger tire equivalent (PTE) remaining in  
 1469 storage at the conclusion of the calendar year.
  - 1470
  - 1471 4) the weight, in tons, of used or waste tires remaining in storage at the site at  
 1472 the conclusion of the calendar yearThe weight or volume of used or waste  
 1473 tires combusted during the calendar year.
  - 1474
- 1475 c) The Annual Tire Summary ~~mustshall~~ be received by the Agency on or before

January 31 of each year and ~~must~~ cover the preceding calendar year.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.305 Tire Tracking Receipts~~Retention of Records~~**

- a) Upon receiving any used or waste tires at the site, the owner or operator must provide a receipt to the transporter and keep a copy of the receipt. The receipt must include all of the following: the signature of the owner or operator; the name and registration number of the tire transporter; the signature of the tire transporter; the name, address, and telephone number of the site where used or waste tires were received; the date the used or waste tires were received at the site; and the number or weight, in tons, of used or waste tires received at the site.
- b) Upon transporting any used or waste tires from the site, the tire transporter must provide a receipt to the owner or operator and keep a copy of the receipt. The receipt must include all of the following: the signature of the owner or operator; the name and registration number of the tire transporter; the signature of the tire transporter; the date the used or waste tires were transported from the site; the number or weight, in tons, of used or waste tires transported from the site; and the destinations of the used or waste tires.
- c) Owners and operators must maintain on site a record of the receipt and disposition of all used or waste tires, including, but not limited to:
  - 1) receipts for any used or waste tires received at the site; and
  - 2) receipts for any used or waste tires that are transported from the site.
- d) The tire tracking receipts required under this Section and Section 848.607 shall be on a form prescribed by the Agency. ~~Copies of all records required to be kept under this Subpart shall be retained by the owner and operator for three years and shall be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.306 Certification**

- a) All records, summaries, ~~and~~ reports submitted to the Agency as required by this Subpart ~~must~~ be signed by a person designated by the owner or operator as responsible for preparing and reviewing ~~those~~ documents as part of his or her duties in the regular course of business.

1519  
1520  
1521  
1522  
1523  
1524  
1525  
1526  
1527  
1528  
1529  
1530  
1531  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547  
1548  
1549  
1550  
1551  
1552  
1553  
1554  
1555  
1556  
1557  
1558  
1559  
1560  
1561

- b) Any person signing a document submitted under this Part ~~must~~ shall make the following certification:

I certify that I am responsible for preparing and reviewing this document and that this document and all attachments were prepared under my direction or supervision as part of my duties in the regular course of business. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties under Section 44 of the Environmental Protection Act including the possibility of fine and imprisonment for knowingly submitting false information.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.307 Retention of Records**

Copies of all records required to be kept under this Subpart shall be retained by the owner and operator for three years and shall be made available at the site during the normal business hours of the operator for inspection and photocopying by the Agency.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: FINANCIAL ASSURANCE

**Section 848.400 Scope and Applicability**

- a) ~~(Reserved). This Subpart applies to owners and operators of tire storage sites and tire disposal sites, except as otherwise provided in this Section.~~
- b) Except to the extent ~~Unless~~ exempted by subsection (c), owners and operators of tire storage sites and owners and operators of tire disposal sites must ~~shall~~ comply with this Subpart:
  - 1) ~~prior~~ Prior to storing or disposing any used or waste tires, for sites where used or waste tires are first stored or disposed on or after January 1, 1992;
  - 2) ~~by~~ By January 1, 1992, for sites where used or waste tires are disposed or stored prior to January 1, 1992.
- c) Owners and operators of tire storage sites and owners and operators of tire

1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1580  
1581  
1582  
1583  
1584  
1585  
1586  
1587  
1588  
1589  
1590  
1591  
1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1600  
1601  
1602  
1603  
1604

disposal sites are exempt from this Subpart with respect to the following types of sites:

- 1) sites Sites where the real estate of the site is owned by:
  - A) the The United States or one of its agencies;
  - B) the The State of Illinois or one of its agencies; or
  - C) a A unit of local government;:-
- 2) ~~(Reserved); Tire disposal sites with a waste disposal permit under Section 21 of the Act and 35 Ill. Adm. Code 807 or 811. If used or waste tires are stored at the site, then the storage activities, unless otherwise exempted, are subject to this Subpart.~~
- 3) ~~(Reserved); Sites where less than 500 used or waste tires are stored at the site and less than 50 used or waste tires have been disposed at the site, as reported on the annual notice of activity under Section 55(d) of the Act.~~
- 4) sites Sites where, as reported in the annual notice of activity, 60 tons or less of than 5000 used or waste tires, other than two-inch-minus chips, are stored at the site and less than 50 used or waste tires have been disposed. Provided, however, that this exemption does not apply if the owner or operator has been issued, in any calendar year, pursuant to Section 55.5 of the Act, more than one written notice of violation of Section 55(a), (b) or (e) of the Act;:-
- 5) sites for which a tire removal agreement has been approved by the Agency pursuant to Subpart E;
- 6) any tire retreading facilities, or tire stamping and die cutting facilities, at which:
  - A) fewer than 10,000 but more than 5,000 used or waste tires are located on site at any one time; and
  - B) the requirements of Sections 848.202(b)(3) and 848.203 are met; and
- 7) any tire retreading facilities, or tire stamping and die cutting facilities, at which:

1605 A) 5,000 or fewer used or waste tires are located on site at any one  
1606 time; and

1607  
1608 B) the requirements of Section 848.202(b)(3) are met.  
1609

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1611  
1612 **Section 848.401 Maintaining~~Upgrading~~ Financial Assurance**  
1613

1614 a) Except as otherwise provided in subsection (b), the~~The~~ owner or operator must at  
1615 all times~~shall~~ maintain financial assurance in an amount equal to or greater than  
1616 the current approved removal cost estimate calculated pursuant to Section  
1617 848.404 at all times, except as otherwise provided by subsection (b).

1618  
1619 b) Within 60 days after the occurrence of any event listed in this subsection (b),  
1620 the~~The~~ owner or operator must~~shall~~ increase the total amount of financial  
1621 assurance to an amount that is~~as to~~ equal to or greater than the current  
1622 approved removal cost estimate calculated pursuant to Section 848.404~~within 90~~  
1623 days after any of the following occurrences:

1624  
1625 1) An increase in the current approved removal cost estimate increases; or

1626  
1627 2) A decrease in the value of a trust fund established pursuant to Section  
1628 848.410 decreases.;

1629  
1630 3) A determination by the Agency that an owner or operator no longer meets  
1631 the financial test of Section 848.415(d); or

1632  
1633 4) Notification by the owner or operator that the owner or operator intends to  
1634 substitute alternative financial assurance, as specified in Section 848.406,  
1635 for self insurance.

1636  
1637 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1638

1639 **Section 848.402 Release of Financial Institution**  
1640

1641 The Agency must~~shall~~ release a trustee, bank, surety or other financial institution as soon as  
1642 practicable after the owner or operator makes a written request for release and demonstrates that  
1643 either one of the following events has occurred~~when:~~

1644  
1645 a) the~~An~~ owner or operator has substituted~~alternates~~ substitutes alternative financial  
1646 assurance that meets the requirements of this Subpart such that the total financial  
1647 assurance for the site is equal to or greater than the current approved removal cost

1648 estimate, without counting the amounts to be released; or

1649

1650 b) ~~the~~The Agency ~~has released~~releases the owner or operator from the requirements  
1651 of this Subpart following completion of removal.

1652

1653 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1654

1655 **Section 848.403 Application of Proceeds and Appeal**

1656

1657 a) The Agency may sue in any court of competent jurisdiction to enforce its rights  
1658 under financial instruments used to provide the financial assurance required under  
1659 this Subpart. The filing of an enforcement action before the Board is not a  
1660 condition precedent to such an Agency action, except when this Subpart or the  
1661 terms of the instrument provide otherwise.

1662

1663 b) As provided in Titles VIII and IX of the Act and 35 Ill. Adm. Code 103 and 104,  
1664 the Board may order that an owner or operator modify a removal plan or order  
1665 that proceeds from financial assurance be applied to the execution of a removal  
1666 plan.

1667

1668 c) The following Agency actions may be appealed to the Board as a permit denial  
1669 pursuant to 35 Ill. Adm. Code 105:

1670

1671 1) ~~a~~A refusal to accept financial assurance tendered by the owner or operator;

1672

1673 2) ~~a~~A refusal to release the owner or operator from the requirement to  
1674 maintain financial assurance;

1675

1676 3) ~~a~~A refusal to release excess funds from a trust;

1677

1678 4) a refusal to approve a reduction in the penal sum of a bond; or

1679

1680 5) ~~a~~A refusal to approve a reduction in the amount of a letter of credit.;

1681

1682 7) ~~A determination that an owner or operator no longer meets the financial~~  
1683 ~~test.~~

1684

1685 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1686

1687 **Section 848.404 Removal Cost Estimate**

1688

1689 a) No later than January 1 of each year, theThe owner or operator must~~shall~~ submit  
1690 to the Agency, for approval, a written estimate of the cost of removing the

1691 ~~maximum number of~~ used and waste tires ~~that will be accumulated at~~from the  
 1692 site at any time. This cost estimate shall be submitted by the owner or operator  
 1693 along with the annual notice of activity required under Section 55(d) of the Act.  
 1694

1695 1) ~~The owner or operator shall submit the cost estimate with the annual~~  
 1696 ~~notice of activity pursuant to Section 55(d) of the Act.~~

1697  
 1698 2) ~~The cost estimate is due on January 1 of each year, commencing January~~  
 1699 ~~1, 1992.~~

1700  
 1701 b) ~~In addition, the~~The owner or operator ~~must~~shall revise the removal cost estimate  
 1702 and submit the revised estimate for Agency approval before making or having  
 1703 made at the site any change that would increasewhenever a change in the removal  
 1704 plan increases the removal cost estimate, including, but not limited to, an increase  
 1705 in the maximum accumulation of used or waste tires that will be accumulated at  
 1706 the site at any one time.

1707  
 1708 c) ~~(Reserved).~~The cost estimate equals the larger of the following:

1709  
 1710 1) ~~The cost of removing all used and waste tires accumulated at the site; or~~

1711  
 1712 2) ~~The cost of removing the maximum number of used and waste tires which~~  
 1713 ~~the owner or operator anticipates will be accumulated at the site at any~~  
 1714 ~~time.~~

1715  
 1716 d) The owner or operator ~~must~~shall base the removal cost estimate on  
 1717 cost~~either: 1) Costs to the Agency under a contract to perform tire removal actions~~  
 1718 in the area in which the site is located; or 2) Projected costs, assuming that the  
 1719 Agency will contract with a third party to implement the removal plan. A third  
 1720 party is a person who is neither a parent nor a subsidiary of the owner or operator.

1721  
 1722 e) The removal cost estimate must, at a minimum, include all costs for all activities  
 1723 necessary to remove all used and waste tires in accordance with all requirements  
 1724 of this Part.

1725  
 1726 f) Once the owner or operator has completed an activity described in subsection (e),  
 1727 the owner or operator may revise the removal cost estimate indicating that the  
 1728 activity has been completed, and zeroing that element of the removal cost  
 1729 estimate.

1730  
 1731 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1732  
 1733 **Section 848.406 Mechanisms for Financial Assurance**

1734  
1735  
1736  
1737  
1738  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1770  
1771  
1772  
1773  
1774  
1775  
1776

The owner or operator may ~~use~~utilize any one of the following mechanisms to provide financial assurance for removal of used and waste tires or may use a combination of these mechanisms to the extent authorized under Section 848.407:

- a) ~~a~~A trust fund (Section 848.410);
- b) a surety bond guaranteeing payment (Section 848.411); or
- ~~c~~b) ~~a~~A letter of credit (Section 848.413);~~;~~
- e) ~~Self-insurance (Section 848.415).~~

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.407 Use of Multiple Financial Mechanisms**

An owner or operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, and letters of credit. The ~~mechanisms~~mechanism must be as specified in ~~Section 35 Ill. Adm. Code 848.410, 848.411, and 848.413,~~ respectively, except that it is the combination of ~~mechanisms~~mechanism, rather than ~~any~~the single mechanism, ~~that,~~which must provide financial assurance for an amount at least equal to the current approved removal cost estimate. An owner or operator that uses a trust fund in combination with a surety bond or a letter of credit may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The owner or operator may use any or all of the mechanisms specified in Sections 848.410, 848.411, and 848.413 to provide for removal.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.408 Use of a Financial Mechanism ~~Mechanisms~~ for Multiple Sites**

An owner or operator may use a financial assurance mechanism specified in this Subpart to meet the requirements of this Subpart for more than one site. Evidence of financial assurance submitted to the Agency must include a list showing, for each site, the name, address and the amount of funds assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each site. The amount of funds available to the Agency must be sufficient to remove used and waste tires from all of the owner or operator's sites. ~~In directing funds available through a single mechanism for the removal of any single site covered by that mechanism, the Agency shall direct only that amount of funds designated for that site, unless the owner or operator agrees to the use of additional funds available under that~~

1777 mechanism.

1778

1779 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1780

1781 **Section 848.410 Trust Fund**

1782

1783 a) An owner or operator may satisfy the requirements of this Subpart by establishing  
 1784 a trust fund ~~that~~which conforms to the requirements of this Section and submitting  
 1785 an ~~originally~~original signed duplicate of the trust agreement to the Agency.

1786

1787 b) The trustee ~~must~~shall be an entity ~~that~~which has the authority to act as a trustee  
 1788 and whose trust operations are regulated and examined by a federal or state  
 1789 agency.:

1790

1791 1) ~~Whose trust operations are examined by the Illinois Commissioner of~~  
 1792 ~~Banks and Trust Companies pursuant to the Illinois Banking Act (Ill. Rev.~~  
 1793 ~~Stat. 1989, ch. 17, pars. 301 et seq.); or~~

1794

1795 2) ~~Who complies with the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch.~~  
 1796 ~~17, pars. 1551-1 et seq.).~~

1797

1798 c) ~~The trust agreement must be on forms prescribed by the Agency, the forms~~  
 1799 ~~specified in Appendix A, Illustration A, and the trust agreement must be~~  
 1800 ~~accompanied by a formal certification of acknowledgment, on a~~the ~~form~~  
 1801 ~~prescribed by the Agency specified in Appendix A, Illustration B., and must~~  
 1802 ~~contain provisions addressing, at a minimum, the establishment, management, and~~  
 1803 ~~termination of the trust and a schedule listing, at a minimum, the sites covered by~~  
 1804 ~~the trust and the current approved removal cost for each of those sites. The~~  
 1805 ~~schedule required under this subsection must be in the form prescribed by the~~  
 1806 ~~Agency and must be updated within 60 days after a change in the amount of the~~  
 1807 ~~current approved removal cost for any site covered by the trust.~~

1808

1809 d) Payments into the ~~Trust~~trust:

1810

1811 1) The owner or operator shall make a payment into the trust fund each year  
 1812 during the pay-in period. However, after expiration of the pay-in period,  
 1813 neither the owner nor the operator may use a pay-in period to fund the  
 1814 trust and must instead make a lump sum payment to further fund the trust.:

1815

1816 2) ~~The pay-in period is three~~five ~~years and. The pay-in period commences~~  
 1817 ~~on at one of the following times, whichever is later: A) On the date any of~~  
 1818 ~~the sites covered by the trust agreement the site first receives used or waste~~  
 1819 ~~tires.;~~ or B) On January 1, 1992.

1820  
1821  
1822

3) Annual payments are determined by the following formula:

$$\text{Annual payment} = (CE-CV)/Y$$

where:

CE = Current total approved removal cost estimate for all sites covered by the trust agreement

C = Current value of the trust fund

V

Y = Number of years remaining in the pay in period.

1823  
1824  
1825  
1826  
1827  
1828  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1850  
1851  
1852

4) The owner or operator ~~must~~ shall make the first annual payment before used or waste tires are received at a site covered by the trust agreement prior to beginning of the pay-in period. Before receiving used tires at a site covered by the trust agreement, the owner or operator ~~must~~ shall also, ~~prior to the beginning of the pay-in period,~~ submit to the Agency a receipt from the trustee for the first annual payment.

5) Subsequent annual payments must be made no later than 30 days after each anniversary of the first payment.

6) The owner or operator may either accelerate payments into the trust fund, or may deposit the full amount of the current approved removal cost estimate at the time the fund is established.

7) The owner or operator ~~must~~ shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in subsection (d)(3).

8) If the owner or operator establishes a trust fund after having used one or more alternative mechanisms, the first payment must be in at least the amount the fund would contain if the trust fund were established initially and payments made as provided in subsection (d)(3).

e) The trustee ~~must~~ shall evaluate the trust fund annually, as of the anniversary of the day the trust was created or on such other earlier date as may be provided in the agreement. Within 30 days after the evaluation date each year, the trustee ~~must furnish~~ shall ~~notify~~ the owner or operator and the Agency with a statement confirming the value of the trust fund within 30 days after the evaluation date. The failure of the owner or operator to object in writing to the trustee within 90

1853 days after the statement has been furnished to the owner or operator and the  
 1854 Agency constitutes a conclusively binding assent by the owner or operator,  
 1855 barring the owner or operator from asserting any claim or liability against the  
 1856 trustee with respect to matters disclosed in the statement.

1857  
 1858 f) After the pay-in period is completed, whenever the removal cost estimate  
 1859 changes, the owner or operator must compare the new estimate with the trustee's  
 1860 most recent annual valuation of the trust fund. If the value of the fund is less than  
 1861 the amount of the new estimate, the owner or operator must, within 60 days after  
 1862 the change in the removal cost estimate, either deposit an amount into the fund so  
 1863 that its value after this deposit at least equals the amount of the removal cost  
 1864 estimate, or obtain other financial assurance as specified in this Subpart to cover  
 1865 the difference.

1866  
 1867 g) Release of excess funds:

- 1868  
 1869 1) If the value of the ~~financial assurance~~ trust fund is greater than the total  
 1870 amount of the current approved removal cost estimate, the owner or  
 1871 operator may submit a written request to the Agency for a release of the  
 1872 amount in excess of the current approved removal cost estimate.  
 1873  
 1874 2) If an owner or operator substitutes other financial assurance as specified in  
 1875 this Subpart for all or part of the trust fund, he or she may submit a written  
 1876 request to the Agency for release of the amount in excess of the current  
 1877 approved removal cost estimate covered by the trust fund.  
 1878  
 1879 3) As soon as practicable ~~Within 60 days~~ after receiving a request from the  
 1880 owner or operator for a release of funds pursuant to this subsection (g), the  
 1881 Agency shall instruct the trustee to release to the owner or operator such  
 1882 funds as the Agency specifies in writing to be in excess of the current  
 1883 approved removal cost estimate.

1884  
 1885 h) Reimbursement for removal expenses:

- 1886  
 1887 1) After initiating removal, an owner or operator, or any other person  
 1888 authorized to perform removal, may request reimbursement for partial or  
 1889 final removal expenditures, by submitting itemized bills to the Agency.  
 1890 The owner or operator may request reimbursements for partial closure  
 1891 only if sufficient funds remain in the trust fund to cover the costs of  
 1892 removal.  
 1893  
 1894 2) As soon as practicable ~~Within 60 days~~ after receiving the itemized bills for  
 1895 partial or final removal activities, the Agency ~~must~~ shall determine whether

1896 the expenditures are in accordance with the removal plan. If the Agency  
1897 determines, based on the information available to it, that the remaining  
1898 cost of removal will be less than the value of the trust fund, the~~The~~  
1899 Agency ~~must~~shall instruct the trustee to make reimbursement in such  
1900 amounts as the Agency specifies in writing as expenditures in accordance  
1901 with the removal plan.

1903 3) If the Agency determines, based on such information as is available to it,  
1904 that the remaining cost of removal will be greater than the value of the  
1905 trust fund, it ~~must~~shall withhold reimbursement of such amounts as it  
1906 determines are necessary to preserve the trust corpus in order to  
1907 accomplish removal until it determines that the owner or operator is no  
1908 longer required to maintain financial assurance for removal. In the event  
1909 the fund is inadequate to pay all claims after removal is completed, the  
1910 Agency ~~must~~shall pay claims according to the following priorities:

- 1911
- 1912 A) Persons with whom the Agency has contracted and authorized to
- 1913 perform removal activities (first priority);
- 1914
- 1915 B) Persons who have completed removal activities authorized by the
- 1916 Agency (second priority);
- 1917
- 1918 C) Persons who have completed work which furthered the removal
- 1919 (third priority);
- 1920
- 1921 D) The owner or operator and related business entities (last priority).
- 1922

1923 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1924

1925 **Section 848.411 Surety Bond Guaranteeing Payment**

1926

- 1927 a) An owner or operator may satisfy the requirements of this Subpart by obtaining a
- 1928 surety bond that conforms to the requirements of this Section and submitting the
- 1929 bond to the Agency.
- 1930
- 1931 b) The surety company issuing the bond must, at a minimum, be among those listed
- 1932 as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of
- 1933 the Treasury.
- 1934
- 1935 c) The surety bond must be on standardized forms prescribed by the Agency and
- 1936 must contain provisions concerning, at a minimum, the penal sum and term of the
- 1937 bond, conditions upon which the bond is payable and cancellable and payments
- 1938 into the standby trust fund.

1939  
 1940  
 1941  
 1942  
 1943  
 1944  
 1945  
 1946  
 1947  
 1948  
 1949  
 1950  
 1951  
 1952  
 1953  
 1954  
 1955  
 1956  
 1957  
 1958  
 1959  
 1960  
 1961  
 1962  
 1963  
 1964  
 1965  
 1966  
 1967  
 1968  
 1969  
 1970  
 1971  
 1972  
 1973  
 1974  
 1975  
 1976  
 1977  
 1978  
 1979  
 1980  
 1981

- d) An owner or operator who uses a surety bond must also establish a standby trust fund. Under the terms of the bond, all payments made under the surety bond must be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. The standby trust fund must meet the requirements of a trust fund specified in Section 848.410, except that:
  - 1) the owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and
  - 2) until the standby trust is funded pursuant to the requirements of this Section, none of the following are required:
    - A) payments into the trust fund;
    - B) updating the trust agreement schedule to show the current approved removal cost estimates;
    - C) annual valuations as required by the trust agreement; or
    - D) notices of nonpayment as required by the trust agreement.
  
- e) Conditions
  - 1) The bond must guarantee that the owner or operator will either:
    - A) perform removal in accordance with the removal plan; or
    - B) within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety, provide alternate financial assurance in accordance with this Subpart and obtain the Agency's written approval of the assurance provided.
  
  - 2) The surety will become liable on the bond obligation when, under the terms of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator does any one or more of the following:
    - A) abandons the site;
    - B) is adjudicated bankrupt;

- 1982
  - 1983
  - 1984
  - 1985
  - 1986
  - 1987
  - 1988
  - 1989
  - 1990
  - 1991
  - 1992
  - 1993
  - 1994
  - 1995
  - 1996
  - 1997
  - 1998
- C) within 30 days after the date on which the known final volume of used or waste tires is received, either fails to complete removal or fails to submit a removal plan that is approved by the Agency in accordance with Section 848.506;
  - D) fails to initiate removal when ordered to do so by the Board pursuant to Title VIII of the Act, or when ordered to do so by a court of competent jurisdiction;
  - E) fails to complete removal in accordance with the approved removal plan; or
  - F) fails, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the surety bond, to provide alternate financial assurance and obtain the Agency's written approval of the assurance provided.

f) Penal Sum

- 2000
  - 2001
  - 2002
  - 2003
  - 2004
  - 2005
  - 2006
  - 2007
  - 2008
  - 2009
  - 2010
  - 2011
  - 2012
  - 2013
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
  - 2020
  - 2021
  - 2022
  - 2023
  - 2024
- 1) The penal sum of the bond must be in an amount at least equal to the current approved removal cost estimate, except as provided in Section 848.407.
  - 2) If the current removal cost estimate decreases, the penal sum may be reduced to the amount of the current approved removal cost estimate following written approval by the Agency.
  - 3) If the current removal cost estimate increases to an amount greater than the penal sum and if that increase is not due to an increase in the maximum accumulation of used or waste tires at the site, the owner or operator must, within 60 days after the increase in the removal cost estimate, either:
    - A) cause the penal sum to be increased to an amount at least equal to the current removal cost estimate and submit evidence of the increase to the Agency; or
    - B) obtain alternate financial assurance in accordance with this Subpart to cover the increase in the removal cost estimate and submit evidence of the alternate financial assurance to the Agency.
  - 4) If the current removal cost estimate increases to an amount greater than the penal sum and if that increase is due to an increase in the maximum

2025 accumulation of used or waste tires at the site, the owner or operator must,  
2026 within 60 days after the increase in the removal cost estimate:

2027  
2028 A) remove the excess tires to meet the current approved removal cost  
2029 estimate;

2030  
2031 B) cause the penal sum to be increased to an amount at least equal to  
2032 the current removal cost estimate and submit evidence of the  
2033 increase to the Agency; or

2034  
2035 C) obtain other financial assurance, as specified in this Subpart, to  
2036 cover the increase in the removal cost estimate and submit  
2037 evidence of the alternative financial assurance to the Agency.

2038  
2039 g) Terms

2040  
2041 1) Under the terms of the bond, the surety may cancel the bond by sending  
2042 notice of cancellation by certified mail to the owner or operator and to the  
2043 Agency. Cancellation may not occur, however, during the 120 days  
2044 beginning on the date of receipt of the notice of cancellation by both the  
2045 owner or operator and the Agency, as evidenced by the return receipts.

2046  
2047 2) The Agency must release the surety by providing the owner or operator  
2048 and the surety with written authorization for termination of the bond as  
2049 soon as practicable after any of the following occur:

2050  
2051 A) an owner or operator substitutes alternate financial assurance that  
2052 meets the requirements of this Subpart such that the total financial  
2053 assurance for the site is equal to or greater than the current  
2054 approved removal cost estimate, without counting the amounts to  
2055 be released; or

2056  
2057 B) the Agency releases the owner or operator from the requirements  
2058 of this Subpart following completion of removal.

2059  
2060 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2061  
2062 **Section 848.413 Letter of Credit**

2063  
2064 a) An owner or operator may satisfy the requirements of this Subpart by obtaining  
2065 an irrevocable standby letter of credit ~~that~~ <sup>which</sup> conforms to the requirements of  
2066 this Section and submitting the letter of credit to the Agency.

2067

- 2068 b) The issuing institution ~~must~~ shall be an entity ~~that~~ which has the authority to issue  
 2069 letters of credit and whose letter-of-credit operations are regulated and examined  
 2070 by a federal or state agency.;
- 2071
- 2072 1) ~~Whose letter-of-credit operations are regulated by the Illinois~~  
 2073 ~~Commissioner of Banks and Trust Companies; or~~
- 2074
- 2075 2) ~~Whose deposits are insured by the Federal Deposit Insurance Corporation.~~
- 2076
- 2077 c) Forms:
- 2078
- 2079 1) The letter of credit must be on standardized forms prescribed by the  
 2080 Agency ~~the forms specified in Appendix A, Illustration C.~~
- 2081
- 2082 2) The letter of credit must be accompanied by a letter from the owner or  
 2083 operator, referring to the letter of credit by number, issuing institution and  
 2084 date, and providing, at a minimum, the following information: the Agency  
 2085 designated site number, the name and address of the site, and the amount  
 2086 of funds assured for removal from the site by the letter of credit.
- 2087
- 2088 d) An owner or operator who uses a letter of credit to satisfy the requirements of this  
 2089 Subpart must also establish a standby trust fund. Any amounts drawn by the  
 2090 Agency pursuant to the letter of credit ~~must~~ will be deposited in the standby trust  
 2091 fund. The standby trust fund must meet the requirements of a trust fund specified  
 2092 in Section 848.410, except that:
- 2093
- 2094 1) ~~the~~ The owner or operator ~~must~~ shall submit an originally signed duplicate  
 2095 a signed, duplicate original of the trust agreement to the Agency with the  
 2096 letter of credit; and
- 2097
- 2098 2) ~~unless~~ Unless the standby trust is funded pursuant to the requirements of  
 2099 this Section, none of the following are not required:
- 2100
- 2101 A) ~~payments~~ Payments into the trust fund;:-
- 2102
- 2103 B) ~~updating~~ Updating of Schedule A of the trust agreement schedule to  
 2104 show the current approved removal cost estimates;:-
- 2105
- 2106 C) ~~annual~~ Annual valuations as required by the trust agreement; or:-
- 2107
- 2108 D) ~~notices~~ Notices of nonpayment as required by the trust agreement.
- 2109
- 2110 e) Conditions on which the Agency may draw on the letter of credit:

2111  
2112  
2113  
2114  
2115  
2116  
2117  
2118  
2119  
2120  
2121  
2122  
2123  
2124  
2125  
2126  
2127  
2128  
2129  
2130  
2131  
2132  
2133  
2134  
2135  
2136  
2137  
2138  
2139  
2140  
2141  
2142  
2143  
2144  
2145  
2146  
2147  
2148  
2149  
2150  
2151  
2152  
2153

- 1) The Agency ~~may~~ shall draw on the letter of credit if the owner or operator fails to perform removal in accordance with the removal plan.
  
- 2) The Agency ~~may~~ shall draw on the letter of credit when the owner or operator does any one or more of the following:
  - A) ~~abandons~~ Abandons the site;
  
  - B) ~~is~~ Is adjudicated bankrupt;
  
  - C) within 30 days after the date on which the known final volume of used or waste tires is received, either fails to complete removal or fails to submit a removal plan that is approved by the Agency in accordance with Section 848.506;
  
  - ~~DC)~~ fails Fails to initiate removal when ordered to do so by the Board pursuant to Title ~~VIII~~ VII of the Act, or when ordered to do so by a court of competent jurisdiction;
  
  - ~~DE)~~ notifies Notifies the Agency that it has initiated removal, or initiates removal, but fails to provide removal in accordance with the removal plan; or
  
  - ~~FE)~~ within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that the letter of credit will not be extended for another term, fails Fails to provide additional or substitute financial assurance ~~when required to do so~~ under this Subpart.
  
- f) Amount:
  - 1) The letter of credit must be issued in an amount at least equal to the current approved removal cost estimate, except as provided in Section 848.407.
  
  - 2) If the current removal cost estimate decreases, the penal sum may be reduced to the amount of the current approved removal cost estimate following written approval by the Agency. ~~The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.~~
  
  - 3) If the current removal cost estimate increases to an amount greater than the credit and if that increase is not due to an increase in the maximum

2154 accumulation of used or waste tires at the site, the owner or operator must,  
2155 within 60 days after the increase in the removal cost estimate, either:

2156  
2157 A) cause the amount of the credit to be increased to an amount at least  
2158 equal to the current removal cost estimate and submit evidence of  
2159 the increase to the Agency; or

2160  
2161 B) obtain alternate financial assurance in accordance with this Subpart  
2162 to cover the increase in the removal cost estimate and submit  
2163 evidence of the alternate financial assurance to the Agency.

2164  
2165 4) If the current removal cost estimate increases to an amount greater than  
2166 the credit and if that increase is due to an increase in the maximum  
2167 accumulation of used or waste tires at the site, the owner or operator must,  
2168 within 60 days after the increase in the removal cost estimate:

2169  
2170 A) remove the excess tires to meet the current approved removal cost  
2171 estimate;

2172  
2173 B) cause the amount of the credit to be increased to an amount at least  
2174 equal to the current removal cost estimate and submit evidence of  
2175 the increase to the Agency; or

2176  
2177 C) obtain other financial assurance, as specified in this Subpart, to  
2178 cover the increase in the removal cost estimate and submit  
2179 evidence of the alternative financial assurance to the Agency.

2180  
2181 g) Term:

2182  
2183 1) The letter of credit must be irrevocable and issued for a period of at least  
2184 one year.

2185  
2186 2) The letter of credit must provide that, on its current expiration date and on  
2187 each successive expiration date, the letter of credit ~~the expiration date~~ will  
2188 be automatically extended for a period of at least one year, unless, at least  
2189 120 days before the current expiration date, the issuing institution notifies  
2190 both the owner and operator and the Agency, by certified mail, of a  
2191 decision not to extend the letter of credit for another term ~~expiration date~~.  
2192 Under the terms of the letter of credit, the 120 days will begin on the date  
2193 when both the owner or operator and the Agency have received the notice,  
2194 as evidenced by the return receipts.

2195

2196  
2197  
2198  
2199  
2200  
2201  
2202  
2203  
2204  
2205  
2206  
2207  
2208  
2209  
2210  
2211  
2212  
2213  
2214  
2215  
2216  
2217  
2218  
2219  
2220  
2221  
2222  
2223  
2224  
2225  
2226  
2227  
2228  
2229  
2230  
2231  
2232  
2233  
2234  
2235  
2236  
2237  
2238

- 3) The Agency must return the letter of credit to the issuing institution for termination as soon as practicable after any of the following occur:
  - A) an owner or operator substitutes alternate financial assurance that meets the requirements of this Subpart such that the total financial assurance for the site is equal to or greater than the current approved removal cost estimate, without counting the amounts to be released; or
  - B) the Agency releases the owner or operator from the requirements of this Subpart following completion of removal.

h) Cure of default and refunds:

- 1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the owner or operator or another person provides financial assurance for removal from the site, unless the Agency determines that a removal plan or the amount of substituted financial assurance is inadequate to provide removal as required by this Part.
- 2) After removal has been completed in accordance with the removal plans and the requirements of this Part, the Agency shall refund any unspent money which was paid to the Agency by the financial institution.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 848.415 Self-Insurance for Non-commercial Sites (Repealed)**

a) Definitions. The following definitions are intended to assist in the understanding of this Part and are not intended to limit the meanings of terms in any way that conflicts with generally accepted accounting principles:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

2239  
2240  
2241  
2242  
2243  
2244  
2245  
2246  
2247  
2248  
2249  
2250  
2251  
2252  
2253  
2254  
2255  
2256  
2257  
2258  
2259  
2260  
2261  
2262  
2263  
2264  
2265  
2266  
2267  
2268  
2269  
2270  
2271  
2272  
2273  
2274  
2275  
2276  
2277  
2278  
2279  
2280  
2281

"Generally accepted accounting principles" means "Accounting Standards", incorporated by reference in Section 848.105.

"Generally accepted auditing standards" means Auditing Standards—Current Text, incorporated by reference at 848.105.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means tangible assets less liabilities; tangible assets do not include intangibles such as goodwill and rights to patents or royalties.

b) Information to be Filed

An owner or operator may satisfy the financial assurance requirements of this Part by providing the following:

- 1) Bond without surety promising to pay the cost estimate (subsection (c)).
- 3) Proof that the owner or operator meets the financial test (subsection (d)).

e) Bond Without Surety. An owner or operator utilizing self-insurance shall provide a bond without surety on the forms specified in Appendix A, Illustration D. The owner or operator shall promise to pay the current cost estimate to the Agency unless the owner or operator provides removal in accordance with the removal plan.

d) Financial Test

- 1) To pass the financial test, the owner or operator shall meet the criteria of either subsection (d)(1)(A) or (d)(1)(B):

- 2282  
 2283  
 2284  
 2285  
 2286  
 2287  
 2288  
 2289  
 2290  
 2291  
 2292  
 2293  
 2294  
 2295  
 2296  
 2297  
 2298  
 2299  
 2300  
 2301  
 2302  
 2303  
 2304  
 2305  
 2306  
 2307  
 2308  
 2309  
 2310  
 2311  
 2312  
 2313  
 2314  
 2315  
 2316  
 2317  
 2318  
 2319  
 2320  
 2321  
 2322  
 2323  
 2324
- A) The owner or operator shall have:
    - i) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; and
    - ii) Net working capital and tangible net worth each at least six times the current cost estimate; and
    - iii) Tangible net worth of at least \$10 million; and
    - iv) Assets in the United States amounting to at least 90 percent of the owner or operator's total assets and at least six times the current cost estimate.
  
  - B) The owner or operator shall have:
    - i) A current rating of AAA, AA, A or BBB for its most recent bond issuance as issued by Standard and Poor, or a rating of Aaa, Aa, A or Baa, as issued by Moody; and
    - ii) Tangible net worth at least six times the current cost estimate; and
    - iii) Tangible net worth of at least \$10 million; and
    - iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the current cost estimate.
  
  - 2) To demonstrate that it meets this test, the owner or operator shall submit the following items to the Agency:
    - A) A letter signed by the owner or operator's chief financial officer and worded as specified in Appendix A, Illustration F; and
    - B) A copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and

- 2325 C) A special report from the owner or operator's independent certified  
2326 public accountant to the owner or operator stating that:  
2327
  - 2328 i) The accountant has compared the data which the letter from  
2329 the chief financial officer specifies as having been derived  
2330 from the independently audited, year-end financial  
2331 statements for the latest fiscal year with the amounts in  
2332 such financial statements; and  
2333
    - 2334 ii) In connection with that procedure, no matters came to the  
2335 accountant's attention which caused the accountant to  
2336 believe that the specified data should be adjusted.  
2337
- 2338 e) Updated Information:  
2339
  - 2340 1) After the initial submission of items specified in subsection (d), the owner  
2341 or operator shall send updated information to the Agency within 90 days  
2342 after the close of each succeeding fiscal year.  
2343
  - 2344 2) If the owner or operator no longer meets the requirements of subsection  
2345 (d) the owner or operator shall send notice to the Agency of intent to  
2346 establish alternative financial assurance. The notice must be sent by  
2347 certified mail within 90 days after the end of the fiscal year for which the  
2348 year-end financial data show that the owner or operator no longer meets  
2349 the requirements.  
2350
- 2351 f) Qualified Opinions. If the opinion required by subsections (d)(2)(B) and  
2352 (d)(2)(C) includes an adverse opinion or a disclaimer of opinion, the Agency shall  
2353 disallow the use of self insurance. If the opinion includes other qualifications, the  
2354 Agency shall disallow the use of self insurance if:  
2355
  - 2356 1) The qualifications relate to the numbers which are used in the financial  
2357 test; and,  
2358
  - 2359 2) In light of the qualifications, the owner or operator has failed to  
2360 demonstrate that it meets the financial test.  
2361
- 2362 g) Parent Corporation. An owner or operator may satisfy the financial assurance  
2363 requirements of this Part by demonstrating that a corporation which owns an  
2364 interest in the owner or operator meets the financial test. The owner or operator  
2365 shall also provide a bond with the parent as surety (Appendix A, Illustration E).  
2366  
2367 (Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: TIRE REMOVAL AGREEMENTS

**Section 848.501 Applicability**

- a) ~~The~~By January 1, 1992, the owner or operator of a tire disposal site mustshall obtain written approval from the Agency of a tire removal agreement submitted pursuant to this Subpart unless:
  - 1) ~~the owner or operator has entered into a written agreement to participate in a consensual removal action under Section 55.3(c) of the Act [415 ILCS 5/55.4]~~THE OWNER OR OPERATOR HAS ENTERED INTO A WRITTEN AGREEMENT TO PARTICIPATE IN A CONSENSUAL REMOVAL ACTION UNDER SECTION 55.3(C) OF THE ACT; or
  - 2) ~~the~~The owner or operator has received a permit from the Agency pursuant to the requirements of Subtitle G: Waste Disposal for the disposal of solid waste at landfills;~~;~~ or
  - 3) ~~The owner or operator has submitted a complete written proposal pursuant to Section 848.503 for a tire removal agreement to the Agency in accordance with this Subpart by July 1, 1991, the owner or operator has submitted all information required or necessary to process the submission, and the Agency has not made a determination with respect to the submittal.~~
  
- b) ~~The requirements of subsection (a) shall not apply if the owner or operator has removed all used and waste tires from the tire disposal site prior to January 1, 1992.~~ An owner or operator of a tire disposal site may obtain approval of a tire removal agreement for a specific area within a facility; however, the remainder of the facility must be operated under a permit issued by the Agency under 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid waste in landfills or be subject to a consensual removal action under Section 55.3(c) of the Act.
  
- c) ~~Before~~For tire disposal sites at which used or waste tires are first disposed after January 1, 1992, prior to disposing of any used or waste tires the owner or operator of a tire disposal site mustshall obtain a permit from the Agency pursuant to the requirements of 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid wastes at landfills.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2411 **Section 848.502 Removal Performance Standard**

2412  
 2413 *The owner or operator of a tire disposal site required to file and receive approval of a tire*  
 2414 *removal agreement under this Subpart E shall remove used or waste tires from the site in a*  
 2415 *manner that*~~THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO~~  
 2416 ~~FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT UNDER THIS~~  
 2417 ~~SUBPART E SHALL REMOVE USED OR WASTE TIRES FROM THE SITE IN A~~  
 2418 ~~MANNER THAT:~~

- 2419
- 2420 a) *minimizes the need for further maintenance*~~MINIMIZES THE NEED FOR~~  
 2421 ~~FURTHER MAINTENANCE;~~
  - 2422
  - 2423 b) *removes all used and waste tires and any residues therefrom; and*~~REMOVES~~  
 2424 ~~ALL USED AND WASTE TIRES AND ANY RESIDUES THEREFROM;AND~~  
 2425
  - 2426 c) *protects human health during the removal and post removal periods*~~PROTECTS~~  
 2427 ~~HUMAN HEALTH DURING THE REMOVAL AND POST REMOVAL~~  
 2428 ~~PERIODS. [415 ILCS 5/55.4(a)](Section 55.4 of the Act)~~

2429  
 2430 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2431  
 2432 **Section 848.503 Contents of Proposed Tire Removal Agreements**

- 2433
- 2434 a) A proposed *tire removal agreement submitted to the Agency*~~TIRE REMOVAL~~  
 2435 ~~AGREEMENT SUBMITTED TO THE AGENCY~~ for approval under this  
 2436 Subpart E *shall include the following*~~SHALL INCLUDE THE FOLLOWING:~~  
 2437
  - 2438 1) *a complete inventory of the tires located on the site;*~~A COMPLETE~~  
 2439 ~~INVENTORY OF THE TIRES LOCATED ON THE SITE.~~
  - 2440
  - 2441 2) *a description of how the removal will be conducted in accordance with*~~A~~  
 2442 ~~DESCRIPTION OF HOW THE REMOVAL WILL BE CONDUCTED~~  
 2443 ~~IN ACCORDANCE WITH Section 848.502;-~~
  - 2444
  - 2445 3) *a description of the methods to be used during removal including, but not*  
 2446 *limited to, the methods for removing, transporting, processing, storing or*  
 2447 *disposing of tires and residues, and the offsite facilities to be used;*~~A~~  
 2448 ~~DESCRIPTION OF THE METHODS TO BE USED DURING~~  
 2449 ~~REMOVAL INCLUDING, BUT NOT LIMITED TO, THE METHODS~~  
 2450 ~~FOR REMOVING, TRANSPORTING, PROCESSING, STORING OR~~  
 2451 ~~DISPOSING OF TIRES AND RESIDUES, AND THE OFFSITE~~  
 2452 ~~FACILITIES TO BE USED.~~

2453

2454 4) a detailed description of other activities necessary during the removal  
2455 period to ensure that the requirements of Section 848.502 are met; and  
2456 DETAILED DESCRIPTION OF OTHER ACTIVITIES NECESSARY  
2457 DURING THE REMOVAL PERIOD TO ENSURE THAT THE  
2458 REQUIREMENTS OF Section 848.502 ARE MET.

2459  
2460 5) a schedule of completing the removal of tires from the site, as required in  
2461 Section 848.504. [415 ILCS 5/55.4]A SCHEDULE OF COMPLETING  
2462 THE REMOVAL OF TIRES FROM THE SITE, AS REQUIRED IN  
2463 Section 848.504. (Section 55.4 of the Act)  
2464

2465 b) The owner or operator may propose amendment of the tire removal agreement at  
2466 any time prior to notification of the completion of partial or final removal of tires  
2467 from the facility. To request a change in an approved tire removal  
2468 agreement permit, an owner or operator shall submit a written request to the  
2469 Agency. The written request must include a copy of the amended tire removal  
2470 agreement for approval by the Agency.  
2471

2472 c) Nothing in this Section precludes shall preclude the owner or operator from  
2473 removing used or waste tires in accordance with the approved partial or final tire  
2474 removal agreement before certification of completion of partial or final removal.  
2475

2476 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2477

2478 **Section 848.504 Time Allowed for Tire Removal**  
2479

2480 a) Each approved tire removal agreement shall include a schedule by which the  
2481 owner or operator must complete the removal activities. The total time allowed  
2482 shall not exceed the followingEACH APPROVED TIRE REMOVAL  
2483 AGREEMENT SHALL INCLUDE A SCHEDULE BY WHICH THE OWNER  
2484 OR OPERATOR MUST COMPLETE THE REMOVAL ACTIVITIES. THE  
2485 TOTAL TIME ALLOWED SHALL NOT EXCEED THE FOLLOWING:  
2486

2487 1) one year if the site contains 1,000 tires or lessONE YEAR IF THE SITE  
2488 CONTAINS 1,000 TIRES OR LESS;  
2489

2490 2) two years if the site contains more than 1,000 tires but less than 10,000  
2491 tiresTWO YEARS IF THE SITE CONTAINS MORE THAN 1,000  
2492 TIRES BUT LESS THAN 10,000 TIRES;  
2493

2494 3) five years if the site contains 10,000 or more tireFIVE YEARS IF THE  
2495 SITE CONTAINS 10,000 OR MORE TIRES.  
2496

2497 b) *The owner or operator may apply for an extension of time, no later than 90 days*  
 2498 *before the end of the time period specified in the agreement. The Agency shall not*  
 2499 *grant such an extension unless it determines that the owner or operator has*  
 2500 *proceeded to carry out the agreement with all due diligence. The requested*  
 2501 *extension of time may not exceed 3 years, and the Agency may approve the*  
 2502 *request as submitted or may approve a lesser amount of time* THE OWNER OR  
 2503 OPERATOR MAY APPLY FOR AN EXTENSION OF TIME, NO LATER  
 2504 THAN 90 DAYS BEFORE THE END OF THE TIME PERIOD SPECIFIED IN  
 2505 THE AGREEMENT. THE AGENCY SHALL NOT GRANT SUCH AN  
 2506 EXTENSION UNLESS IT DETERMINES THAT THE OWNER OR  
 2507 OPERATOR HAS PROCEEDED TO CARRY OUT THE AGREEMENT WITH  
 2508 ALL DUE DILIGENCE. THE REQUESTED EXTENSION OF TIME MAY  
 2509 NOT EXCEED 3 YEARS, AND THE AGENCY MAY APPROVE THE  
 2510 REQUEST AS SUBMITTED OR MAY APPROVE A LESSER AMOUNT OF  
 2511 TIME if the removal activities can be completed within such lesser amount of  
 2512 time. [415 ILCS 5/55.4(d)](Section 55.4 of the Act)  
 2513

2514 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 2515

2516 **Section 848.506 Initiation of Tire Removal**  
 2517

2518 a) Any owner or operator who is required to obtain financial assurance under this  
 2519 Part ~~must~~Subpart shall submit a proposed tire removal agreement to the Agency  
 2520 that satisfies Sections 848.502 through 848.505:~~Sections 848.502—848.505~~  
 2521  
 2522 1) within 30 days after the date on which any tire disposal site or tire storage  
 2523 site receives the known final volume of used or waste tires; or;  
 2524  
 2525 2) when the owner or operator fails to provide additional or substitute  
 2526 financial assurance, as required in this Part, and to obtain the Agency's  
 2527 written approval of the assurance provided, within 60 days after an  
 2528 increase in the current removal cost estimate~~if there is a reasonable~~  
 2529 possibility that the tire disposal site or tire storage site will receive  
 2530 additional used or waste tires, no later than one year after the date on  
 2531 which the site received the most recent volume of used or waste tires. If  
 2532 the owner or operator of a tire storage site or tire disposal site  
 2533 demonstrates to the Agency that the site has the capacity to receive  
 2534 additional used or waste tires and that the owner or operator has taken and  
 2535 will continue to take all steps to prevent threats to human health and the  
 2536 environment, the Agency shall approve an extension to this one-year limit.  
 2537  
 2538 b) The owner or operator ~~must~~shall begin removal of used and waste tires in  
 2539 accordance with the approved tire removal agreement within 30 days after written

2540 Agency approval of the tire removal agreement unless the tire removal agreement  
2541 specifies otherwise.

2542  
2543 c) The Agency ~~must~~shall have authority to approve a later date for initiation of tire  
2544 removal in a tire removal agreement if: 1)the owner or operator demonstrates to  
2545 the Agency that a binding contractual relationship exists under which the owner  
2546 or operator will remove all used and waste tires from the site within the period  
2547 specified in Section 848.504. two years; or 2)other factors relative to operation of  
2548 the site necessitate a later date for initiating removal of used and waste tires.

2549  
2550 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2551  
2552 **Section 848.507 Certification of Removal Completion**

2553  
2554 *Within 60 days after the completion of removal activities under an approved*~~WITHIN 60 DAYS~~  
2555 ~~AFTER THE COMPLETION OF REMOVAL ACTIVITIES UNDER AN APPROVED~~ tire  
2556 removal agreement under this Subpart E, *the owner or operator shall submit to the Agency a*  
2557 *certification that the site or the affected portion of the site* ~~THE OWNER OR OPERATOR~~  
2558 ~~SHALL SUBMIT TO THE AGENCY A CERTIFICATION THAT THE SITE OR THE~~  
2559 ~~AFFECTED PORTION OF THE SITE~~ subject to a tire removal agreement *has been cleared of*  
2560 *tires in accordance with the approved*~~HAS BEEN CLEARED OF TIRES IN ACCORDANCE~~  
2561 ~~WITH THE APPROVED~~ tire removal agreement. [415 ILCS 5/55.4(e)]~~(Section 55.4 of the~~  
2562 ~~Act)~~

2563  
2564 **Section 848.508 Agency Approval**

2565  
2566 *For a site at which the owner or operator is proposing to proceed with removal*~~FOR A SITE AT~~  
2567 ~~WHICH THE OWNER OR OPERATOR IS PROPOSING TO PROCEED WITH REMOVAL~~  
2568 under a tire removal agreement, rather than obtaining a permit under 35 Ill. Adm. Code: Subtitle  
2569 G: Waste Disposal for the disposal of solid waste in a landfill, *the Agency shall approve, modify*  
2570 *or disapprove a proposed agreement within 90 days of receiving it. If the Agency does not*  
2571 *approve the agreement, the Agency shall provide the owner or operator with a written statement*  
2572 *of reasons for the refusal, and the owner or operator shall modify the agreement or submit a new*  
2573 *agreement for approval within 30 days after receiving the statement. The Agency shall approve*  
2574 *or modify the second proposed agreement within 60 days. If the Agency modifies the second*  
2575 *proposed agreement, the agreement as modified shall become the approved agreement.* [415  
2576 ~~ILCS 5/55.4(c)]~~THE AGENCY SHALL APPROVE, MODIFY OR DISAPPROVE A~~  
2577 ~~PROPOSED AGREEMENT WITHIN 90 DAYS OF RECEIVING IT. IF THE AGENCY~~  
2578 ~~DOES NOT APPROVE THE AGREEMENT, THE AGENCY SHALL PROVIDE THE~~  
2579 ~~OWNER OR OPERATOR WITH A WRITTEN STATEMENT OF REASONS FOR THE~~  
2580 ~~REFUSAL, AND THE OWNER OR OPERATOR SHALL MODIFY THE AGREEMENT OR~~  
2581 ~~SUBMIT A NEW AGREEMENT FOR APPROVAL WITHIN 30 DAYS AFTER RECEIVING~~  
2582 ~~THE STATEMENT. THE AGENCY SHALL APPROVE OR MODIFY THE SECOND~~~~

2583 ~~PROPOSED AGREEMENT WITHIN 60 DAYS. IF THE AGENCY MODIFIES THE~~  
2584 ~~SECOND PROPOSED AGREEMENT, THE AGREEMENT AS MODIFIED SHALL~~  
2585 ~~BECOME THE APPROVED AGREEMENT. (Section 55.4 of the Act)~~

2586  
2587 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2588

2589 **Section 848.509 Board Review**

2590  
2591 ~~Modification of or refusal to modify~~ MODIFICATION OF OR REFUSAL TO MODIFY A a  
2592 ~~proposed tire removal agreement submitted by an owner or operator proposing to proceed with~~  
2593 ~~removal~~ AGREEMENT SUBMITTED BY AN OWNER OR OPERATOR PROPOSING TO  
2594 ~~PROCEED WITH REMOVAL under a tire removal agreement is a permit denial for purposes~~  
2595 ~~of~~ IS A PERMIT DENIAL FOR PURPOSES OF appeal pursuant to 35 Ill. Adm. Code 105. [415  
2596 ILCS 5/55.4(f)](Section 55.4 of the Act)

2597  
2598 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2599

2600 **SUBPART F: TIRE TRANSPORTATION REQUIREMENTS**

2601  
2602 **Section 848.601 Tire Transportation Prohibitions**

2603  
2604 a) Except as provided in subsection (c), no person shall transport more than 20 used  
2605 or waste tires in a vehicle at any one time unless the following requirements are  
2606 met:-

2607  
2608 1) the person either is registered as a tire transporter~~The owner or operator~~  
2609 has registered the vehicle with the Agency or an employee of a person that  
2610 is registered as a tire transporter with the Agency in accordance with this  
2611 Subpart, received approval of such registration from the Agency, and, in  
2612 either case, the such registration is current, valid, and in effect;-

2613  
2614 2) the vehicle~~The owner or operator~~ displays a placard ~~on the vehicle,~~ issued  
2615 by the Agency following registration, in accordance with the requirements  
2616 of this Subpart;-

2617  
2618 3) the portion of the vehicle where the tires are transported is completely  
2619 separated from the vehicle's passenger compartment; and

2620  
2621 4) if the person was required to submit an Annual Tire Transportation Report  
2622 in the immediately preceding year, the person submitted that report to the  
2623 Agency in accordance with the requirements of Section 848.609.

2624  
2625 b) No person shall provide, deliver or transport used or waste tires to a tire

2626 transporter for transport unless the transporter's vehicle displays a placard issued  
 2627 by the Agency under this Subpart identifying the transporter as a registered tire  
 2628 hauler.

2629  
 2630 c) A person transporting tire carcasses to a tire retreading facility under a bill of  
 2631 lading is exempt from the requirements of this Section.

2632  
 2633 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 2634

2635 **Section 848.602 Tire Transportation Registrations**

2636  
 2637 a) Tire transportation registrations ~~must~~ shall be ~~submitted~~ made on  
 2638 registration application forms prescribed by the Agency that, at which as a  
 2639 minimum, shall require submission of the following information:

2640  
 2641 1) the nameName, address, and telephone number of the person seeking  
 2642 registration;and location of the vehicle owner(s) and operator(s).

2643  
 2644 2) aA description of the number and types of vehicles to be used, proof of  
 2645 liability insurance for those vehicles, and, if any of the vehicles to be used  
 2646 are required to obtain a certificate of safety under Chapter 13 of the  
 2647 Illinois Vehicle Code [625 ILCS 5], a copy of the current certificate of  
 2648 safety for the vehicle; and-

2649  
 2650 3) anAn agreement by the person seeking registrationvehicle owner(s) and  
 2651 operator(s) that:

2652  
 2653 A) tireTire loading, transportation, and unloading will be conducted in  
 2654 compliance with all applicable state and federal laws and  
 2655 regulations;-

2656  
 2657 B) no used or wasteNo tires willshall be transported with other wastes  
 2658 on one vehicle if that activitysuch could result in a hazardous  
 2659 combination likely to cause explosion, fire, or release of a  
 2660 dangerous or toxic gas, or in violation of any applicable state or  
 2661 federal law and regulation; and-

2662  
 2663 C) theThe equipment and procedures to be used willshall be proper  
 2664 for the tire transportation to be safe for the transportershaulers,  
 2665 handlers, and others, and will meet the requirements of all other  
 2666 applicable state and federal laws and regulations.

2667  
 2668 b) All tire transporter registrations ~~must~~ shall be signed by the person seeking

2669 registration or by owner(s) and operator(s) of the vehicle; or, in the name of the  
 2670 owner and operator, by the owner's and operator's duly authorized agent of the  
 2671 person seeking registration who has provided the Agency with evidence of his or  
 2672 her authority when accompanied by evidence of authority to sign the registration  
 2673 on behalf of the person seeking registration application.

2674  
 2675 c) If any information required to be submitted on the registration form changes after  
 2676 the registration is submitted to the Agency, the registrant must provide an  
 2677 amended registration form to the Agency in writing within 30 days after the date  
 2678 the information changes. If the information reflects a change in ownership or a  
 2679 change in vehicle information, a new registration form must be submitted to the  
 2680 Agency.

2681  
 2682 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 2683

2684 **Section 848.603 Agency Approval of Registrations**

2685  
 2686 a) Tire transporter registrations are registration applications shall be deemed to be  
 2687 filed on the date of initial receipt by the Agency of a properly completed  
 2688 registration application on the form prescribed by the Agency. The Agency must  
 2689 reject any incomplete registration form and notify the person seeking registration  
 2690 that the registration form is incomplete. That person may treat the Agency's  
 2691 notification of an incomplete registration form as a final action denying approval  
 2692 of the registration for purposes of review pursuant to Section 40 of the Act.

2693  
 2694 b) If the Agency fails to take final action approving or denying approval of this  
 2695 registration within 90 days from the filing of the completed form application, the  
 2696 person seeking registration applicant may deem the registration approval granted  
 2697 for a period of one calendar year commencing on the 91<sup>st</sup> day after the application  
 2698 was filed.

2699  
 2700 c) The Agency is shall be deemed to have taken final action on the date that the  
 2701 notice of final action is mailed.

2702  
 2703 d) Before approving a registration, the The Agency must consider whether shall  
 2704 require the registration is application to be complete and consistent with the  
 2705 provisions of the Act and Board regulations and may undertake such  
 2706 investigations and request the person seeking registration applicant to furnish such  
 2707 proof as it deems necessary to verify the information and statements made in the  
 2708 registration application. If the registration application is complete and the approval  
 2709 of it thereof will not cause a violation of the Act or Board regulations, the Agency  
 2710 must shall approve the registration. Notwithstanding any other provision of this  
 2711 subsection (d), the Agency must deny a person's registration if, within the 5 years

2712 immediately preceding the date upon which the registration is filed with the  
2713 Agency:

- 2714
- 2715 1) the person caused or allowed the open dumping of used or waste tires in
- 2716 violation of Section 55(a)(1) of the Act; or
- 2717
- 2718 2) the Agency has taken or is taking preventive or corrective action pursuant
- 2719 to Section 55.3 of the Act because the person caused or allowed the open
- 2720 dumping of used or waste tires in violation of Section 55(a)(1) of the Act.
- 2721

2722 e) In approving tire transporter registrations pursuant to this Subpart ~~hereunder~~, the  
2723 Agency may impose such conditions as may be necessary to accomplish the  
2724 purposes of the Act and the Board regulations.

2725

2726 f) The person seeking registration ~~applicant~~ may deem any conditions imposed by  
2727 the Agency as a denial of approval of the registration for purposes of review  
2728 pursuant to Section 40 of the Act.

2729

2730 g) A tire transporter registration approved hereunder is automatically modified to  
2731 include any relevant change in the Act or Board regulations. The Agency  
2732 ~~must~~ shall revise any tire transporter registration issued by the Agency under this  
2733 Part to make the registration compatible with any such relevant changes and so  
2734 notify the registrant. Failure of the Agency to issue a revised registration  
2735 ~~does~~ shall not excuse the registrant from compliance with any such change.

2736

2737 h) No tire transporter registration is transferable ~~from one person to another~~. A tire  
2738 transporter registration is personal to the ~~person~~ person(s) named in the tire  
2739 transporter registration.

2740

2741 i) Violation of any conditions or failure to comply with any provisions of the Act or  
2742 with any Board regulation ~~are~~ shall be grounds for sanctions as provided in the  
2743 Act, including, but not limited to, revocation of the registration as herein provided  
2744 and the denial of applications for renewal.

2745

2746 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2747

2748 **Section 848.604 Registration No Defense**

2749

2750 The existence of an approved tire transporter registration under this Subpart ~~does~~ Part shall not  
2751 provide any person ~~the transporter~~ with a defense to a violation of the Act or Board regulations,  
2752 except for transporting ~~hauling~~ used or waste tires without an approved tire transporter  
2753 registration.

2754

2755 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2756

2757 **Section 848.605 Duration and Renewal**  
2758

- 2759 a) All registrations approved hereunder ~~are~~ shall be effective for a period of two  
2760 years from the date of approval and are renewable, except as provided in Section  
2761 848.603(d) and (i).  
2762
- 2763 b) Applications for registration renewal ~~must~~ shall be made at least 90 days prior to  
2764 the expiration date of the registration on the forms prescribed by the Agency.  
2765

2766 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2767

2768 **Section 848.606 Vehicle Placarding**  
2769

- 2770 a) Upon approval of a registration as a tire transporter, the ~~transporter must~~ owner or  
2771 operator of any vehicle registered to transport used or waste tires shall place, on  
2772 opposite sides of the vehicles, a placard ~~that on opposite sides of the vehicles~~  
2773 which displays a number issued by the Agency following the words "Registered  
2774 Tire Transporter: (number)".  
2775
- 2776 b) ~~Registered tire transporter numbers and letters shall be removable only by~~  
2777 ~~destruction.~~ Directly adjacent to the words and number, the transporter must  
2778 ~~vehicle owner and operator shall display~~ a seal furnished by the Agency that  
2779 ~~designates which shall designate~~ the date on which the registration expires.  
2780

2781 (Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2782

2783 **Section 848.607 Tire Tracking Receipts**  
2784

- 2785 a) Upon receiving used or waste tires, a tire transporter must provide a receipt to the  
2786 person from whom the used or waste tires are received. The person from whom  
2787 the used or waste tires are received and the tire transporter must each keep a copy  
2788 of the receipt. The receipt must include all of the following: the signature of the  
2789 person from whom the used or waste tires are received; the tire transporter's  
2790 signature; the name and registration number of the tire transporter; the name,  
2791 address, and telephone number of the site from which used or waste tires were  
2792 transported; the date the used or waste tires were transported from the site; the  
2793 number or weight, in tons, of used or waste tires transported from the site; and the  
2794 destinations of the used or waste tires.  
2795
- 2796 b) Upon delivering used or waste tires, a tire transporter must obtain a receipt from  
2797 the site where the used or waste tires were delivered and keep a copy of the

2798 receipt. The receipt must include all of the following: the tire transporter's  
 2799 signature; the name and registration number of the tire transporter; the name and  
 2800 location of the site to which used or waste tires were delivered; the signature of  
 2801 the owner or operator of the site to which used or waste tires were delivered; the  
 2802 date the used or waste tires were delivered to the site; and the number or weight,  
 2803 in tons, of used or waste tires delivered to the site.

2804  
 2805 c) Tire transporters must maintain at their principal place of business a record of the  
 2806 receipt and disposition of all used or waste tires, including, but not limited to,  
 2807 both:

- 2808  
 2809 1) receipts for used or waste tires received by that person; and  
 2810  
 2811 2) receipts for used or waste tires delivered by that person. In addition,  
 2812 persons delivering used or waste tires to a tire transporter for transport  
 2813 must maintain at their principal place of business a copy of the receipts  
 2814 provided by tire transporters pursuant to subsection (a).

2815  
 2816 d) The tire tracking receipts required under this Section and Section 848.305 shall be  
 2817 on a form prescribed by the Agency.

2818  
 2819 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2820  
 2821 **Section 848.608 Annual Tire Transportation Report**

2822  
 2823 a) Any person who is required to be registered under this Subpart must submit an  
 2824 Annual Tire Transportation Report to the Agency for each calendar year in which  
 2825 they are required to be registered. The Annual Tire Transportation Report must be  
 2826 in a form and format prescribed by the Agency and must include the Agency  
 2827 designated registration number of the transporter, the name and address of the  
 2828 transporter, and the calendar year for which the report applies.

2829  
 2830 b) Information relative to the transportation of used and waste tires by the transporter  
 2831 must be recorded in the Annual Tire Transportation Report, including, but not  
 2832 limited to:

- 2833  
 2834 1) the number or weight, in tons, of used or waste tires received by the  
 2835 transporter during the calendar year;  
 2836  
 2837 2) the number or weight, in tons, of used or waste tires delivered to each site  
 2838 by the transporter during the calendar year; and  
 2839

2840 3) the number or weight, in tons, of used or waste tires remaining with the  
2841 transporter at the end of the calendar year.

2842  
2843 c) The Annual Tire Transportation Report must be received by the Agency on or  
2844 before the March 1 immediately following the end of the calendar year for which  
2845 the report is submitted.

2846  
2847 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2848

2849 **Section 848.609 Retention of Records**

2850  
2851 Copies of all records required to be kept under this Subpart shall be retained for three years by  
2852 the person required to retain the record and shall be made available at the site during the normal  
2853 business hours of the operator for inspection and photocopying by the Agency.

2854  
2855 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2856

2857 **Section 848.610 Certification**

2858  
2859 a) All reports submitted to the Agency as required by this Subpart must be signed by  
2860 a person designated by the transporter as responsible for preparing and reviewing  
2861 these documents as part of his or her duties in the regular course of business.

2862  
2863 b) Any person signing a document submitted to the Agency pursuant to this Subpart  
2864 must make the following certification:

2865  
2866 "I certify that I am responsible for preparing and reviewing this document  
2867 and that this document and all attachments were prepared under my  
2868 direction or supervision as part of my duties in the regular course of  
2869 business. Based on my inquiry of the person or persons who manage the  
2870 system, or those persons directly responsible for gathering the  
2871 information, the information submitted is, to the best of my knowledge  
2872 and belief, true, accurate, and complete. I am aware that there are  
2873 significant penalties under Section 44 of the Environmental Protection  
2874 Act, including the possibility of fine and imprisonment for knowingly  
2875 submitting false information."

2876  
2877 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2878

2879 **SUBPART G: TIRE STORAGE PERMITS**

2880  
2881 **Section 848.701 Tire Storage Permits**  
2882

- 2883 a) Beginning July 1, 2016, no person shall cause or allow the operation of a tire  
 2884 storage site that contains used tires totaling more than 10,000 passenger tire  
 2885 equivalents, or at which more than 500 tons of used tires are processed in a  
 2886 calendar year, without a Tire Storage Permit issued by the Agency pursuant to this  
 2887 Subpart G.  
 2888  
 2889 b) All applications for Tire Storage Permits must be submitted to the Agency at least  
 2890 90 days before the date on which the permit is required; however, the Agency  
 2891 may waive this requirement, in writing, for good cause.  
 2892  
 2893 c) All Tire Storage Permits granted pursuant to this Subpart G remain in effect  
 2894 unless terminated by operation of law pursuant to subsection (d), revoked,  
 2895 superseded, or modified.  
 2896  
 2897 d) If a permittee ceases operation of a tire storage site that is required to be permitted  
 2898 under this Subpart, the permittee must notify the Agency in writing within 15  
 2899 days after it ceases operation of the site. On the 15<sup>th</sup> day after the permittee ceases  
 2900 operation of the site, the permit shall be deemed terminated by operation of law.

2901  
 2902 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 2903

2904 **Section 848.702 Application for Tire Storage Permits**  
 2905

- 2906 a) Each application for permit required under this Subpart must contain all data and  
 2907 information that is reasonably necessary for the Agency to determine whether the  
 2908 applicant and tire storage site for which the application is submitted will meet all  
 2909 of the requirements of the Act and regulations adopted pursuant to the Act.  
 2910  
 2911 b) The Agency may prescribe the form and format in which all information required  
 2912 under this Subpart shall be submitted.  
 2913  
 2914 c) All permit applications must be signed by the owner and the operator of the tire  
 2915 storage site or their duly authorized agents. Applications signed by agents must be  
 2916 accompanied by evidence of authority to sign the application.  
 2917  
 2918 d) All permit applications must be mailed or delivered to the address designated by  
 2919 the Agency and must be sent by registered or certified mail, return receipt  
 2920 requested.  
 2921  
 2922 e) An application for permit is not deemed filed until the Agency has received, at the  
 2923 designated address, all information, documents, and authorization in the form and  
 2924 format and with the content required by this Subpart. However, if the Agency  
 2925 fails to notify the applicant, within 45 days after the receipt of an application, that

2926 the application is incomplete, and of the reasons, the application shall be deemed  
 2927 to have been filed on the date received by the Agency. An applicant may deem the  
 2928 Agency's notification that the application is incomplete as a denial of the permit  
 2929 for purposes of review pursuant to Section 40 of the Act.

2930  
 2931 f) If the Agency fails to take final action on the application within 90 days from the  
 2932 filing of the application, the applicant may deem the permit granted on the 91<sup>st</sup>  
 2933 day after the application was filed.

2934  
 2935 g) Any applicant for a permit may waive the requirement that the Agency take final  
 2936 action within 90 days from the filing of the application.

2937  
 2938 h) The Agency must send all notices of final action by registered or certified mail,  
 2939 return receipt requested. Final action is deemed to have taken place on the date  
 2940 that the notice is mailed.

2941  
 2942 i) Decisions regarding permit applications may be appealed to the Board in  
 2943 accordance with Section 40 of the Act.

2944 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2945  
 2946  
 2947 **Section 848.703 Permit Conditions**

2948  
 2949 a) As provided in Sections 39(a) and 55(d-5) of the Act, the Agency may impose  
 2950 such conditions in a permit as may be necessary to accomplish the purposes of the  
 2951 Act, and as are not inconsistent with regulations promulgated by the Board,  
 2952 including periodic reports and full access to adequate records and the inspection  
 2953 of facilities, as may be necessary to ensure compliance with the Act and  
 2954 regulations and standards adopted under the Act.

2955  
 2956 b) The applicant may deem any condition imposed by the Agency as a denial of the  
 2957 permit for purposes of review pursuant to Section 40 of the Act.

2958  
 2959 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2960  
 2961 **Section 848.704 Standards for Issuance of Tire Storage Permits**

2962  
 2963 The Agency must not issue any permit unless the applicant submits adequate proof that the tire  
 2964 storage site either will be operated so as not to cause any violation of the Act or rules adopted  
 2965 under the Act or has been granted a variance pursuant to Title IX of the Act.

2966  
 2967 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2968

2969 **Section 848.705 Permit No Defense**

2970

2971 The existence of a permit issued under this Subpart does not constitute a defense to a violation of  
2972 the Act or this Part, except for operation without a permit.

2973

2974 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2975

2976 **Section 848.706 Permit Revision**

2977

2978 a) The Agency must revise any permit issued by it to make the permit compatible  
2979 with any relevant new regulations adopted by the Board.

2980

2981 b) The permittee may request modification of a permit at any time by filing, pursuant  
2982 to Section 848.702, an application reflecting the modification requested.

2983

2984 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2985

2986 **Section 848.707 No Transfer of Permits**

2987

2988 No permit issued under this Subpart is transferable.

2989

2990 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2991

2992 **Section 848.708 Permit Revocation**

2993

2994 A violation of any permit condition or failure to comply with any rule or regulation of this Part is  
2995 grounds for sanctions as provided in the Act, including revocation of permit.

2996

2997 (Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2998

2999 **Section 848.APPENDIX A \_ Financial Assurance Forms (Repealed)**

3000  
3001 **Section 848.ILLUSTRATION A Trust Agreement (Repealed)**

3002  
3003 **TRUST AGREEMENT**

3004 Trust Fund Number \_\_\_\_\_

Trust Agreement, the "Agreement," entered into as of the  
\_\_\_\_\_ day of \_\_\_\_\_, by and between  
\_\_\_\_\_  
a \_\_\_\_\_, the "Grantor,"  
and \_\_\_\_\_  
\_\_\_\_\_, the "Trustee."

3005  
3006 ~~Whereas, the Illinois Pollution Control Board (IPCB), has established certain regulations~~  
3007 ~~applicable to the Grantor, requiring that an owner or operator of a used or waste tire storage or~~  
3008 ~~disposal site provide assurance that funds will be available when needed for removal of used and~~  
3009 ~~waste tires from the site.~~

3010  
3011 ~~Whereas, the Grantor has elected to establish a trust to provide all or part of such financial~~  
3012 ~~assurance for the sites identified in this Agreement, and/or to serve as a standby trust fund.~~

3013  
3014 ~~Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be~~  
3015 ~~the trustee under this Agreement, and the Trustee is willing to act as trustee.~~

3016  
3017 ~~Whereas, Trustee is an entity which has authority to act as a trustee and whose trust operations~~  
3018 ~~are regulated by the Illinois Commissioner of Banks & Trust Companies or who complies with~~  
3019 ~~the Corporate Fiduciary Act (Ill. Rev. Stat. 1989, ch. 17, par. 1551-1 et seq.). (Line through any~~  
3020 ~~condition which does not apply.)~~

3021  
3022 ~~Now, Therefore, the Grantor and the Trustee agree as follows:~~

3023  
3024 ~~Section 1. Definitions. As used in this Agreement:~~

3025  
3026 (a) ~~The term "Grantor" means the owner or operator who enters into this Agreement and any~~  
3027 ~~successors or assigns of the owner or operator.~~

3028  
3029 (b) ~~The term "Trustee" means the Trustee who enters into this Agreement and any successor~~  
3030 ~~Trustee.~~

3031  
3032 ~~Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and~~  
3033 ~~cost estimates identified on attached Schedule A (on Schedule A, list the name and address, and~~

3034 initial cost estimate of each site for which financial assurance is demonstrated by this  
 3035 Agreement).

3036  
 3037 Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the  
 3038 "Fund," for the benefit of the IEPA. The Grantor and the Trustee intend that no other third party  
 3039 have access to the Fund except as provided in this Agreement. The Fund is established initially  
 3040 as consisting of the property, which is acceptable to the Trustee, described in Schedule B to this  
 3041 Agreement. Such property and any other property subsequently transferred to the Trustee is  
 3042 referred to as the Fund, together with all earnings and profits on the Fund, less any payments or  
 3043 distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the  
 3044 Trustee, in trust, as provided in this Agreement. The Trustee shall not be responsible nor shall it  
 3045 undertake any responsibility for the amount or adequacy of, nor any duty to collect from the  
 3046 Grantor, any payments necessary to discharge any liabilities of the Grantor.

3047  
 3048 Section 4. Payment for Removal. The Trustee shall make payments from the Fund as the IEPA  
 3049 shall direct, in writing, to provide for the payment of the costs of removal at the sites covered by  
 3050 this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the  
 3051 IEPA from the Fund for removal expenditures in such amounts as the IEPA shall direct in  
 3052 writing. In addition, the Trustee shall refund to the Grantor such amounts as the IEPA specifies  
 3053 in writing. Upon refund, such funds shall no longer constitute part of the Fund.

3054  
 3055 Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall  
 3056 consist of cash or securities acceptable to the Trustee.

3057  
 3058 Section 6. Trust Management. The Trustee shall invest and reinvest the principal and income of  
 3059 the Fund and keep the Fund invested as a single fund, without distinction between principal and  
 3060 income, in accordance with general investment policies and guidelines which the Grantor may  
 3061 communicate in writing to the Trustee from time to time, subject, however, to the provisions of  
 3062 this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee  
 3063 shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary  
 3064 and with the care, skill, prudence, and diligence under the circumstances then prevailing which  
 3065 persons of prudence, acting in a like capacity and familiar with such matters, would use in the  
 3066 conduct of an enterprise of a like character and with like aims; except that;

- 3067  
 3068 (a) Securities or other obligations of the Grantor, or any other owner or operator of the sites,  
 3069 or any of their affiliates as defined in Section 80a-2(a) the Investment Company Act of  
 3070 1940, as amended (15 U.S.C. 80a-2(a)) shall not be acquired or held, unless they are  
 3071 securities or other obligations of the Federal government or the State of Illinois;  
 3072  
 3073 (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to  
 3074 the extent insured by the Federal Deposit Insurance Corporation.  
 3075  
 3076 (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for

3077 a reasonable time and without liability for the payment of interest thereon.

3078

3079 Section 7. ~~Commingling and Investment. The Trustee is expressly authorized in its discretion:~~

3080

3081 (a) ~~To transfer from time to time any or all of the assets of the Fund to any common,~~  
3082 ~~commingled or collective trust fund created by the Trustee in which the Fund is eligible~~  
3083 ~~to participate, subject to all of the provisions thereof, to be commingled with the assets of~~  
3084 ~~other trusts participating therein; and~~

3085

3086 (b) ~~To purchase shares in any investment company registered under the Investment Company~~  
3087 ~~Act of 1940 (15 U.S.C. 80a-1 et seq.) including one which may be created, managed,~~  
3088 ~~underwritten or to which investment advice is rendered or the shares of which are sold by~~  
3089 ~~the Trustee. The Trustee may vote such shares in its discretion.~~

3090

3091 Section 8. ~~Express Powers of Trustee. Without in any way limiting the powers and discretion~~  
3092 ~~conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is~~  
3093 ~~expressly authorized and empowered:~~

3094

3095 (a) ~~To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by~~  
3096 ~~public or private sale. No person dealing with the Trustee shall be bound to see to the~~  
3097 ~~application of the purchase money or to inquire into the validity or expedience of any~~  
3098 ~~such sale or other disposition;~~

3099

3100 (b) ~~To make, execute, acknowledge and deliver any and all documents of transfer and~~  
3101 ~~conveyance and any and all other instruments that may be necessary or appropriate to~~  
3102 ~~carry out the powers granted in this Agreement;~~

3103

3104 (c) ~~To register any securities held in the Fund in its own name or in the name of a nominee~~  
3105 ~~and to hold any security in bearer form or in book entry, or to combine certificates~~  
3106 ~~representing such securities with certificates of the same issue held by the Trustee in~~  
3107 ~~other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a~~  
3108 ~~qualified central depository even though, when so deposited, such securities may be~~  
3109 ~~merged and held in bulk in the name of the nominee of such depository with other~~  
3110 ~~securities deposited therein by another person, or to deposit or arrange for the deposit of~~  
3111 ~~any securities issued by the United States Government, or any agency or instrumentality~~  
3112 ~~thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all~~  
3113 ~~times show that all such securities are part of the Fund;~~

3114

3115 (d) ~~To deposit any cash in the Fund in interest-bearing accounts maintained or savings~~  
3116 ~~certificates issued by the Trustee, in its separate corporate capacity, or in any other~~  
3117 ~~banking institution affiliated with the Trustee, to the extent insured by the Federal~~  
3118 ~~Deposit Insurance Corporation; and~~

3119

3120 (e) To compromise or otherwise adjust all claims in favor of or against the Fund.  
 3121

3122 Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or  
 3123 in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the  
 3124 Fund. All other expenses incurred by the Trustee, to the extent not paid directly by the Grantor,  
 3125 and all other proper charges and disbursements of the Trustee shall be paid from the Fund.  
 3126

3127 Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the IEPA  
 3128 a statement confirming the value of the Trust. The evaluation day shall be each year on the \_\_\_\_  
 3129 day of \_\_\_\_\_. Any securities in the Fund shall be valued at market value as of the evaluation  
 3130 day. The Trustee shall mail the evaluation statement to the Grantor and the IEPA within 30 days  
 3131 after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90  
 3132 days after the statement has been furnished to the Grantor and the IEPA shall constitute a  
 3133 conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or  
 3134 liability against the Trustee with respect to matters disclosed in the statement.  
 3135

3136 Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who  
 3137 may be counsel to the Grantor, with respect to any question arising as to the construction of this  
 3138 Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent  
 3139 permitted by law, in acting upon the advice of counsel.  
 3140

3141 Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for  
 3142 its services as agreed upon in writing from time to time with the Grantor.  
 3143

3144 Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee,  
 3145 but such resignation or replacement shall not be effective until the Grantor has appointed a  
 3146 successor trustee and this successor accepts the appointment. The successor trustee shall have the  
 3147 same powers and duties as those conferred upon the Trustee hereunder. Upon the successor  
 3148 trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the  
 3149 successor trustee the funds and properties then constituting the Fund. If for any reason the  
 3150 Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may  
 3151 apply to a court of competent jurisdiction for the appointment of a successor trustee or for  
 3152 instructions. The successor trustee shall specify the date on which it assumes administration of  
 3153 the trust in a writing sent to the Grantor, the IEPA and the present Trustee by certified mail ten  
 3154 days before such change becomes effective. Any expenses incurred by the Trustee as a result of  
 3155 any of the acts contemplated by this Section shall be paid as provided in Section 9.  
 3156

3157 Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the  
 3158 Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or  
 3159 such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall  
 3160 be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and  
 3161 instructions. All orders, requests, and instructions by the IEPA to the Trustee shall be in writing,  
 3162 signed by the IEPA Director or his designees, and the Trustee shall act and shall be fully

3163 protected in acting in accordance with such orders, requests and instructions. The Trustee shall  
3164 have the right to assume, in the absence of written notice to the contrary, that no event  
3165 constituting a change or a termination of the authority of any person to act on behalf of the  
3166 Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of  
3167 such orders, requests and instructions from the Grantor and/or IEPA, except as provided in this  
3168 Agreement.

3169  
3170 Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the IEPA, by  
3171 certified mail within ten days following the expiration of the 30-day period after the anniversary  
3172 of the establishment of the Trust, if no payment is received from the Grantor during the period.  
3173 After the pay-in period is completed, the Trustee shall not be required to send a notice of  
3174 nonpayment.

3175  
3176 Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in  
3177 writing executed by the Grantor, the Trustee and the IEPA Director, or by the Trustee and the  
3178 IEPA Director if the Grantor ceases to exist.

3179  
3180 Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this  
3181 Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until  
3182 terminated at the written agreement of the Grantor, the Trustee and the IEPA Director, or by the  
3183 Trustee and the IEPA, if the Grantor ceases to exist. Upon termination of the Trust, all remaining  
3184 trust property, less final trust administration expenses, shall be delivered to the Grantor.

3185  
3186 Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any  
3187 nature in connection with any act or omission, made in good faith, in the administration of this  
3188 Trust, or in carrying out any directions by the Grantor or the IEPA Director issued in accordance  
3189 with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or  
3190 from the Trust Fund, or both, from and against any personal liability to which the Trustee may be  
3191 subjected by reason of any act or conduct in its official capacity, including all expenses  
3192 reasonably incurred in its defense in the event the Grantor fails to provide such defense.

3193  
3194 Section 19. Choice of Law. This Agreement shall be administered, construed and enforced  
3195 according to the laws of the State of Illinois.

3196  
3197 Section 20. Interpretation. As used in this Agreement, words in the singular include the plural  
3198 and words in the plural include the singular. The descriptive headings for each Section of this  
3199 Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

3200  
3201 In Witness Whereof the parties have caused this Agreement to be executed by their respective  
3202 officers duly authorized and their corporate seals to be hereunto affixed and attested as of the  
3203 date first above written.

3204 Attest: Signature of

Grantor \_\_\_\_\_

Typed Name \_\_\_\_\_

Title \_\_\_\_\_

Seal

Attest: Signature of Trustee \_\_\_\_\_

Typed Name \_\_\_\_\_

Title \_\_\_\_\_

Seal

3205  
3206  
3207

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3208 Section 848.APPENDIX A Financial Assurance Forms (Repealed)

3209

3210 Section 848.ILLUSTRATION B Certificate of Acknowledgement (Repealed)

3211

3212

3213

CERTIFICATE OF ACKNOWLEDGMENT

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

3214

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me personally came \_\_\_\_\_ (owner or operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at

\_\_\_\_\_ (address) ;  
that she/he is \_\_\_\_\_ of \_\_\_\_\_ ;  
(title) (corporation)

corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

\_\_\_\_\_ Notary Public

My Commission Expires \_\_\_\_\_

3215

3216

3217

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3218 **Section 848.APPENDIX A \_ Financial Assurance Forms (Repealed)**

3219

3220 **Section 848.ILLUSTRATION C Irrevocable Standby Letter of Credit (Repealed)**

3221

3222 Director

3223 Illinois Environmental Protection Agency

3224 2200 Churchill Road

3225 Springfield, Illinois 62706

3226

3227 Dear Sir or Madam:

3228

3229 We have authority to issue letters of credit. Our letter of credit operations are regulated by the

3230 Illinois Commissioner of Banks and Trusts or our deposits are insured by the Federal Deposit

3231 Insurance Corporation. (Omit language which does not apply)

3232

We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_  
in your favor, at the request and for the account of \_\_\_\_\_  
up to the aggregate amount of \_\_\_\_\_ U.S. dollars (\$ \_\_\_\_\_ );  
available upon presentation of

3233

1. your sight draft, bearing reference to this letter of credit No. \_\_\_\_\_ ; and
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1001 et seq.) and 35 Ill. Adm. Code 848.413(e)."

3234

This letter of credit is effective as of \_\_\_\_\_ and will expire on \_\_\_\_\_ ; but such expiration date will be automatically extended for a period of \_\_\_\_\_ on \_\_\_\_\_ and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and \_\_\_\_\_ by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and \_\_\_\_\_ as shown on the signed return receipts.

3235

3236 Whenever this letter of credit is drawn on under and in compliance with the terms of this credit,

3237 we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the

3238 draft directly into the standby trust fund in accordance with your instructions.

3239

3240 This letter of credit is governed by the Uniform Commercial Code (Ill. Rev. Stat. 1989, ch. 26,

3241 pars. 1-101 et seq.).

3242

Signature

---

Typed Name

---

Title

---

Date

---

Name and address of issuing institution

---

---

This credit is subject to

---

---

3243

3244

3245

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3246 **Section 848.APPENDIX A Financial Assurance Forms (Repealed)**

3247

3248 **Section 848.ILLUSTRATION D Owner or Operator's Bond Without Surety (Repealed)**

3249

3250 **OWNER OR OPERATOR'S BOND WITHOUT SURETY**

3251

3252

Date bond executed:

---

Effective date:

---

Owner or operator:

---

Owner or operator's address:

---

---

Site:

---

Site address:

---

---

Penal sum:

\$ \_\_\_\_\_

The owner or operator promises to pay the penal sum to the Illinois Environmental Protection Agency unless the Owner or operator provides removal in accordance with the removal plan for the site.

Owner or operator

---

Signature

---

Typed Name

---

Title

---

Date

---

Corporate seal

3253  
3254  
3255

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3256 **Section 848.APPENDIX A Financial Assurance Forms (Repealed)**

3257

3258 **Section 848.ILLUSTRATION E Owner or Operator's Bond With Parent Surety**  
3259 **(Repealed)**

3260

OWNER OR OPERATOR'S BOND WITH PARENT SURETY

3261

3262

Date bond executed:

\_\_\_\_\_

Effective Date:

\_\_\_\_\_

Surety:

\_\_\_\_\_

Surety's address:

\_\_\_\_\_

Owner or operator:

\_\_\_\_\_

Owner or operator's address:

\_\_\_\_\_

Site:

\_\_\_\_\_

Site address:

\_\_\_\_\_

Penal sum:

\$ \_\_\_\_\_

3263

3264 The Owner or operator and Surety promise to pay the above penal sum to the Illinois  
3265 Environmental Protection Agency ("IEPA") unless the Owner or operator provides removal in  
3266 accordance with the removal plan for the site. To the payment of this obligation the Owner or  
3267 operator and Surety jointly and severally bind themselves, their heirs, executors, administrators,  
3268 successors and assigns.

3269

3270 Whereas the Owner or operator is required under 35 Ill. Adm. Code 848.Subpart D to provide  
3271 financial assurance for removal; and

3272

3273 Whereas the Owner or operator and Surety agree that this bond shall be governed by the laws of  
3274 the State of Illinois; and

3275  
3276 Whereas the Surety is a corporation which owns an interest in the Owner or operator;

3277  
3278 The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Owner or  
3279 operator fails to provide removal for any site in accordance with the removal plan for that site as  
3280 guaranteed by this bond. The Owner or operator fails to so provide when the Owner or operator:

- 3281
- 3282 a) Abandons the site;
- 3283
- 3284 b) Is adjudicated bankrupt;
- 3285
- 3286 c) Fails to initiate removal when ordered to do so by the Board or a court of
- 3287 competent jurisdiction; or
- 3288
- 3289 d) Notifies the Agency that it has initiated removal, or initiates removal, but fails to
- 3290 remove used and waste tires in accordance with the removal plan.
- 3291
- 3292 e) Fails to provide additional or substitute financial assurance when required to do so
- 3293 under this Subpart.
- 3294

3295 The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails  
3296 notice to the Surety that the Owner or operator has failed to so provide removal. Payment shall  
3297 be made by check or draft payable to the State of Illinois.

3298  
3299 In Witness Whereof, the Owner or operator and Surety have executed this bond and have affixed  
3300 their seals on the date set forth above.

3301  
3302 The persons whose signatures appear below certify that they are authorized to execute this surety  
3303 bond on behalf of the Owner or operator and Surety.

3304  
Owner or operator  
\_\_\_\_\_

Surety  
\_\_\_\_\_

Signature  
\_\_\_\_\_

Name  
\_\_\_\_\_

---

Typed Name

---

Address

---

Title

---

State of Incorporation

---

Date

---

Signature

---

Typed Name

---

Title

---

Corporate seal

Corporate seal

3305  
3306  
3307  
3308  
3309

(Source: Repealed at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3310 **Section 848.APPENDIX A Financial Assurance Forms (Repealed)**

3311

3312 **Section 848.ILLUSTRATION F Letter from Chief Financial Officer (Repealed)**

3313

3314 Director

3315 Illinois Environmental Protection Agency

3316 2200 Churchill Road

3317 Springfield, Illinois 62706

3318

3319 Dear Sir or Madam:

3320

I am chief financial officer of \_\_\_\_\_ .

3321

3322 This letter is in support of this firm's use of the financial test to demonstrate financial assurance  
3323 pursuant to 35 Ill. Adm. Code 848.415.

3324

3325 This letter is to demonstrate financial assurance for the following sites:

3326

Owner or operator:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
City:

Current cost estimate:

\$ \_\_\_\_\_

Owner or operator:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
City:

Current cost estimate:

\$ \_\_\_\_\_

3327  
3328  
3329  
3330  
3331  
3332  
3333  
3334  
3335  
3336

Please attach a separate page if more space is needed for all facilities.

Attached is an Owner or operator's Bond without Surety or an Owner or operator's Bond with Parent Surety for the current cost estimate for each site. (Strike inapplicable language.)

Financial Test  
Alternative I

- 1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above)  
\$ \_\_\_\_\_
- 2. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4)  
\$ \_\_\_\_\_
- 3. Tangible net worth  
\$ \_\_\_\_\_
- 4. Net worth  
\$ \_\_\_\_\_
- 5. Current assets  
\$ \_\_\_\_\_
- 6. Current liabilities  
\$ \_\_\_\_\_
- 7. Net working capital (line 5 minus line 6)  
\$ \_\_\_\_\_
- 8. The sum of net income plus depreciation, depletion, and amortization  
\$ \_\_\_\_\_
- 9. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)  
\$ \_\_\_\_\_

Yes

No

10 Is line 3 at least \$10 million?  
\_\_\_\_\_

11. Is line 3 at least 6 times line 1?  
\_\_\_\_\_

12. Is line 7 at least 6 times line 1?  
\_\_\_\_\_

13. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 14.  
\_\_\_\_\_

14. Is line 9 at least 6 times line 1?  
\_\_\_\_\_

15. Is line 2 divided by line 4 less than 2.0?  
\_\_\_\_\_

16. Is line 8 divided by line 2 greater than 0.1?  
\_\_\_\_\_

17. Is line 5 divided by line 6 greater than 1.5?  
\_\_\_\_\_

Signature

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

3337  
3338  
3339  
3340

Financial Test  
Alternative II

1. Sum of current cost estimates (total of all cost estimates shown in paragraphs above)  
\$ \_\_\_\_\_

2. Current bond rating of most recent issuance of this firm and name of rating service  
\_\_\_\_\_

3. Date of issuance of bond

\_\_\_\_\_

4. Date of maturity of bond

\_\_\_\_\_

5. Tangible net worth (if any portion of the cost estimate is on your firm's financial statements, you may add the amount of that portion to this line)

\$ \_\_\_\_\_

6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)

\$ \_\_\_\_\_

Yes

No

7. Is line 5 at least \$10 million?

\_\_\_\_\_

8. Is line 5 at least 6 times line 1?

\_\_\_\_\_

9. Are at least 90 percent of firm's assets located in the U.S.? If not, complete line 10.

\_\_\_\_\_

10. Is line 6 at least 6 times line 1?

\_\_\_\_\_

Signature

\_\_\_\_\_

Typed name

\_\_\_\_\_

Title

\_\_\_\_\_

Date

\_\_\_\_\_