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

PART 848
MANAGEMENT OF USED AND WASTE TIRES

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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 amended in R98-9 at 22 Ill. Reg. 11420, effective June 23, 1998; amended in R15-19 at 39 Ill. Reg. 12934, effective September 8, 2015; amended in R25-23 at 49 Ill. Reg. 12786, effective September 23, 2025.

NOTE: Statutory language is denoted by capital letters.

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

a) converted tires manufactured to an exact specification and supplied to a purchaser under a contract for purchase or other sale;

b) new or reprocessed tires;

c) reused tires altered to prevent the accumulation of water;

d) used or waste tires exempted pursuant to Section 55.1 of the Act;

e) used tires located at a tire storage site at which not more than 50 used tires are located at any one time;

f) used or waste tires accepted by an owner or operator of a sanitary landfill in accordance with Section 55 of the Act and in accordance with a solid waste permit issued by the Agency; or

g) 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. 12934, effective September 8, 2015)

Section 848.102 Severability

If any section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, invalid or otherwise not effective for any reason, such adjudication shall not affect the validity of this Part as a whole or of any section, subsection, sentence or clause thereof not adjudged unconstitutional, invalid or otherwise not effective for any reason.

Section 848.103 Other Regulations

a) The requirements of this Part are in addition to other requirements in the Act or Board regulations. In case of conflict, applicability will be determined on the basis of considerations such as, but not limited to, the degree to which the statutory language in the Act or Board regulation is expressly stated or necessarily implied, United States Environmental Protection Agency program authorization requirements, and the comparative stringency of the regulations.

b) The following are examples of other regulations which may be applicable to facilities subject to this Part: 35 Ill. Adm. Code: Subtitle B: Air Pollution; 35 Ill. Adm. Code: Subtitle C: Water Pollution; 35 Ill. Adm. Code: Subtitle H: Noise Pollution; and 35 Ill. Adm. Code: Subtitle G: Waste Disposal.

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 35 Ill. Adm. Code 101.

"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:

> 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
>
> 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 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" or "PTE" is a conversion factor for changing numbers of tires to weight. It is calculated by dividing the total weight of passenger tires, in pounds, by 22.5 pounds (the average weight of passenger and lightweight tires).

"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]

"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 retreading facility" means a facility that retreads an average of at least 100 tires per operating day.

"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 storage unit" means a pile of tires or a group of piles of tires at a storage site. [415 ILCS 5/54.12a]

"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 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]

"Vector" means arthropods, rats, mice, birds or other animals capable of carrying disease-producing organisms to a human or animal host. "Vector" does not include animals that transmit disease to humans only when used as human food. [415 ILCS 5/54.14]

"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. [415 ILCS 5/54.16]

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.105 Incorporation by Reference

a) The Board incorporates the following document by reference:

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.

b) This Section incorporates no later amendments or editions.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015).

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. 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 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 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 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).

(Source: Added at 39 Ill. Reg. 12934, effective September 8, 2015)

SUBPART B: MANAGEMENT STANDARDS

Section 848.201 Applicability

Owners and operators of any tire storage site and the owners and operators of any tire disposal site are subject to this Subpart.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.202 Requirements

a) Owners and operators of any site 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;

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 (a)(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 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.

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, 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

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 subsection (c)(1)(C).

6) All activities at the site that present a risk of fire must be conducted either:

A) within a building and in accordance with Section 848.204(c)(4); or

B) outdoors and separated from all used or waste tires by at least 250 feet.

b) In addition to the requirements set forth in subsection (a), owners and operators of any site 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.

c) In addition to the requirements set forth in subsections (a) and (b), owners and operators of any site at which more than 125 tons of 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:

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:

i) not less than 2 feet in height;

ii) capable of containing runoff resulting from tire fires; and

iii) crossed by a stabilized roadway at not fewer 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 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 (a)(2).

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.203 Contingency Planning and Emergency Response

Owners and operators of any site 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 fire and hazards from disease spreading mosquitos and other nuisance organisms that may breed in water accumulated in used or waste tires;

2) is carried out immediately whenever there is a fire or evidence of mosquito production in used or waste tires;

3) describes the actions site personnel must take in response to fires, run-off resulting from fires, and mosquito breeding in used or waste tires;

4) describes evacuation procedures, including, but not limited to, evacuation signals, primary evacuation routes, and alternate

evacuation routes to be used 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 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 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 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;

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. 12934, effective September 8, 2015)

Section 848.204 Storage of Used and Waste Tires Within Buildings

a) Owners and operators of any tire storage site or any tire disposal site 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 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, 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 that:

A) 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) 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 firefighting personnel and equipment; and

C) is maintained on site, adhered to at all times, made available for inspection and photocopying by the Agency during normal business hours. The plan must 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 Section 848.203;

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

4) comply with the NFPA 51B standard for fire prevention during welding, cutting, and other hot work.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.205 Pesticide Treatment

a) Owners and operators of any tire storage site or any tire disposal site 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 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. 12934, effective September 8, 2015)

Section 848.206 Exemptions for Tire Retreading Facilities (Repealed)

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

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

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

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

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

SUBPART C: RECORDKEEPING AND REPORTING

Section 848.301 Applicability

a) Except to the extent exempted under subsection (b), the owners and operators of any tire storage site 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 site 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 facility are exempt from the tire tracking receipt requirements of this Part.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

Section 848.303 Daily Tire Record

a) The owner or operator must maintain a Daily Tire Record at the site. The Daily Tire Record must include the day of the week, the date, the Agency designated site number, the site name and address, and the additional information required under this Section.

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 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 this Section must be made by the end of each operating day.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

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 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 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: 39 Ill. Reg. 12934, effective September 8, 2015)

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 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.

(Source: Former Section 848.305 renumbered to Section 848.307 and new Section 848.305 added at 39 Ill. Reg. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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: Former Section 848.305 renumbered to Section 848.307 at 39 Ill. Reg. 12934, effective September 8, 2015).

SUBPART D: FINANCIAL ASSURANCE

Section 848.400 Scope and Applicability

a) Except to the extent exempted by subsection (b), owners and operators of any tire storage site and owners and operators of any tire disposal site must comply with this Subpart prior to storing or disposing of any used or waste tires.

b) Owners and operators of any tire storage site and owners and operators of any tire disposal site 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) 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 that are supplied to a purchaser under a contract for purchase or other sale,

are stored at the site and fewer 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;

3) sites for which a tire removal agreement has been approved by the Agency pursuant to Subpart E;

4) 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(a)(3) and 848.203 are met; and

5) any tire retreading facilities, or tire stamping and die cutting facilities, at which:

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

B) the requirements of Section 848.202(a)(3) are met.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.401 Maintaining Financial Assurance

a) Except as otherwise provided in subsection (b), 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 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. 12934, effective September 8, 2015)

Section 848.402 Release of Financial Institution

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. 12934, effective September 8, 2015)

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.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

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 must be submitted by the owner or operator along with the annual notice of activity required under 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) 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.

d) 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.

e) Once the owner or operator has completed an activity described in subsection (c), 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. 12934, effective September 8, 2015)

Section 848.406 Mechanisms for Financial Assurance

The owner or operator may use 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 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. 12934, effective September 8, 2015)

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 listed in Section 848.406 per site. These mechanisms listed in Section 948.406 include trust funds, surety bonds guaranteeing payment, and letters of credit. The mechanisms must be as specified in Sections 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. 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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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 irrevocable, must be on forms prescribed by the Agency, 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, the current approved removal cost for each of those

sites, and prohibitions against third party access to the trust funds other than as provided in the trust agreement. The schedule required under this subsection (c) 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

1) The owner or operator must 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.

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
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 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) but not more than 120 days following the Agency's receipt of the request, the Agency must 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. The owner or operator may request reimbursements for partial closure only if sufficient funds 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, but no more than 120 days following the Agency's receipt of the itemized bills, the Agency must determine whether the expenditures are in accordance with the removal plan. If the Agency determines, based on the information 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. 12934, effective September 8, 2015)

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.

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 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 as specified in Section 848.410;

        B) updating the trust agreement schedule in Section 848.410(c) 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;

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

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 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:

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.

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. 12934, effective September 8, 2015)

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. 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 as specified in Section 848.410;

B) updating the trust agreement schedule in Section

848.410(c) 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 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) 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 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, 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, 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 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. 12934, effective September 8, 2015)

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

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

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 Section 55.3(c) of the Act* [514 ILCS 5/55(d)(2)(ii); 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 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.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.502 Removal Performance 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. 12934, effective September 8, 2015)

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)]

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 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. 12934, effective September 8, 2015)

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 tires.*

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. 12934, effective September 8, 2015)

Section 848.505 Removal Plan

a) The removal plan is the approved tire removal agreement for the site, if one has been approved. Otherwise, the removal plan is the proposed tire removal agreement.

b) An owner or operator who has provided financial assurance based on a proposed agreement shall provide substitute financial assurance based on

the approved plan within 90 days after the Agency approves a tire removal agreement. This may consist of substitute financial assurance, or a letter from the financial institution acknowledging receipt of the approved plan and indicating no objection.

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 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 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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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 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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

Section 848.601 Tire Transportation Prohibitions

a) Except as provided in 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 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 and Section 848.607.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

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.

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, 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, a new registration form must be submitted to the Agency.

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

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 91st 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 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:

1) the person caused or allowed the open dumping of used or waste tires in violation of Section 55(a)(1) of the Act; or

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 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. A tire transporter registration is personal to the 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. 12934, effective September 8, 2015)

Section 848.604 Registration No Defense

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. 12934, effective September 8, 2015)

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 Section 848.603(b) 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. 12934, effective September 8, 2015)

Section 848.606 Vehicle Placarding

a) Upon approval of a registration as a tire transporter, the transporter must place, on opposite sides of each vehicle, 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. 12934, effective September 8, 2015)

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 number or weight, in tons, of used or waste tires transported from the site; and the 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:

1) receipts for used or waste tires received by that person; and

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).

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. 12934, effective September 8, 2015)

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 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.

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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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 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 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. 12934, effective September 8, 2015)

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. [415 ILCS 5/55(d-5)]

b) All applications for Tire Storage Permits must be submitted to the Agency at least 90 days before the date on which 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 15th 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. 12934, effective September 8, 2015)

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 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 shall prescribe the form on which all information required under this Part must 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 submitted on the form prescribed by the Agency and 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, using the permit application form prescribed by the Agency and providing the content required by this Part. 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 of the application, the applicant may deem the permit granted on the 91st day after the application was filed.

g) Any applicant for a permit may waive the requirement that the Agency 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 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. 12934, effective September 8, 2015)

Section 848.703 Permit Conditions

a) As provided in Sections 39(a) and 55(d-5) 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, 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 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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

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, an application reflecting the modification requested.

(Source: Added at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.707 No Transfer of Permits

No permit issued under this Subpart is transferable.

(Source: Added at 39 Ill. Reg. 12934, effective September 8, 2015)

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. 12934, effective September 8, 2015)

Section 848.APPENDIX A Financial Assurance Forms

Section 848.ILLUSTRATION A Trust Agreement

TRUST AGREEMENT

Trust Fund Number _____

Trust Agreement, the "Agreement," entered into as of the (day of month) day of (month and year), by and between (name of the owner or operator), a/an (name of State) ("corporation," "partnership," "association" or "proprietorship"), the "Grantor," and (Name of corporate trustee), ("incorporated in the State of _____ or "a national bank"), the "Trustee."

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

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

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

Whereas Trustee is an entity which has authority to act as a trustee and whose trust operations are regulated by a state or federal agency.

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

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

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

Section 2. Identification of Sites and Cost Estimates. This Agreement pertains to the sites and cost estimates identified on attached Schedule A (on Schedule A, list the name and address, and the current cost estimate, or portions thereof, of each site for which financial assurance is demonstrated by this Agreement).

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

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

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

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill,

prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that;

(a) Securities or other obligations of the Grantor, or any other owner or operator of the sites, or any of their affiliates as defined in Section 80a-2(a) the Investment Company Act of 1940, as amended (15 U.S.C. 80a-2(a)), shall not be acquired or held, unless they are securities or other obligations of the Federal government or a state government;

(b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of federal or state government.

(c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

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

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

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

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

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

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

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine

certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of federal or state government; and

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

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually furnish to the Grantor and to the Illinois EPA a statement confirming the value of the Trust. The evaluation day shall be
each year on the (day of month) day of (month). Any securities in the Fund shall be valued at market value as of the evaluation day. The Trustee shall mail the evaluation statement to the Grantor and the Illinois EPA within 30 days after the evaluation day. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Illinois EPA shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

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

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

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

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the Illinois EPA to the Trustee shall be in writing, signed by the Illinois EPA Director or the Director's designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or IEPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or Illinois EPA, except as provided in this Agreement.

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

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the Illinois EPA Director, or by the Trustee and the Illinois EPA Director if the Grantor ceases to exist.

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

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability

of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Illinois EPA Director issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

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

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement was not modified or altered in any way other than as intended to complete the Agreement.

State of _____)
) SS
County of _____)

Attest: Signature of
Grantor _____

Typed
Name _____

Title _____

Seal

Attest: Signature of
Trustee _____

Typed
Name _____

Title _____

Seal

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.ILLUSTRATION B Surety Bond Guaranteeing Payment

SURETY BOND GUARANTEEING PAYMENT

Date bond executed: _____

Effective date: _____

Principal: _____

Type of Organization: _____

State of incorporation: _____

Surety(ies):

_____

_____

_____

_____

Removal Amount _____

Illinois EPA I.D. No. _____

Name _____

Address _____

City _____

Illinois EPA I.D. No. _____

Name _____

Address _____

City _____

Please attach a separate page if more space is needed for all facilities.

Total penal sum of bond: $ _____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Illinois Environmental Protection Agency (hereinafter called Illinois EPA), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

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

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance.

The bond must guarantee that the Principal will perform removal in accordance with the removal plan and guarantee that, within 90 days after receipt by both the Principal and the Illinois EPA of a notice of cancellation of the bond from the Surety(ies), provide alternate financial assurance in accordance with 35 Ill. Adm. Code 848, Subpart D and obtain the Illinois EPA's written approval of the assurance provided.

The surety will become liable on the bond obligation when, under the term 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 Illinois EPA in accordance with 35 Ill. Adm. Code 848.506;

D) fails to initiate removal when ordered to do so by the IPCB pursuant to Title VIII of the Illinois Environmental Protection 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 Illinois EPA of a notice of cancellation of the surety bond, to provide

alternate financial assurance and obtain the Illinois EPA's written approval of the assurance provided.

If the Principal provides alternate financial assurance, as specified in 35 Ill. Adm. Code 848, Subpart D as applicable, and obtains the Illinois EPA Director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Illinois EPA from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Illinois EPA Director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Illinois EPA Director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Illinois EPA Director, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Illinois EPA Director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Illinois EPA Director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new removal amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Illinois EPA Director.

In Witness Whereof, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond was not altered or modified in any way other than as intended to complete the surety bond.

Principal Signature(s) _____

Name(s) _____

Title(s) _____

Corporate seal

Corporate Surety(ies)

Name _____

Address _____

State of incorporation: _____

Liability limit: $ _____

Signature(s) _____

Name(s) _____

Title(s) _____

Corporate seal

Co-surety(ies) _____

Name _____

Address _____

State of incorporation: _____

Liability limit: $ _____

Signature(s) _____

Name(s) _____

Title(s) _____

Bond premium: $ _____

_____ of _____

(Source: Amended at 39 Ill. Reg. 12934, effective September 8, 2015).

Section 848.ILLUSTRATION C Irrevocable Standby Letter of Credit

Director

Illinois Environmental Protection Agency
c/o Bureau of Land #24
Financial Assurance Program
2520 West Iles Avenue
PO Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:
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

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 [415 ILCS 5]."

This letter of credit is effective as of _____ and shall expire on _____, but such expiration date shall 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.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of _____ in accordance with your instructions.

We certify that the wording of this letter of credit was not altered or modified in any way other than as intended to complete the letter of credit.

Signature

_____

Name

_____

Title

_____

Date

Name and address of issuing institution

This credit is subject to

(Source: Amended at 49 Ill. Reg. 12786, effective September 23, 2025)

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

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

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

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)

Section 848.ILLUSTRATION F Letter from Chief Financial Officer (Repealed)

(Source: Repealed at 39 Ill. Reg. 12934, effective September 8, 2015)