

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 861
USED AND WASTE TIRES REMOVAL PRIORITY LIST

SUBPART A: GENERAL

Section	
861.100	Purpose
861.110	Application
861.120	Definitions

SUBPART B: PRIORITY FACTORS

Section	
861.200	Sites Eligible for Consensual Removal Action
861.210	Determining Priority for Removal of Used and Waste Tires

AUTHORITY: Implementing and authorized by Section 55.3(c) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1055.3(c)).

SOURCE: Adopted at 14 Ill. Reg. 19036, effective November 13, 1990.

SUBPART A: GENERAL

Section 861.100 Purpose

The purpose of the Used and Waste Tire Removal Priority List (TPL) is to identify factors for establishing the priority of sites for Consensual Removal Actions under Section 55.3(c) of the Illinois Environmental Protection Act ("Act") (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1055.3(c)).

Section 861.110 Application

The TPL applies to the removal of used and waste tires under the Consensual Removal Action provisions of Section 55.3(c) of the Act.

Section 861.120 Definitions

Unless the context otherwise clearly requires, words and terms used herein shall have the meanings set forth in Sections 54.01 through Section 54.16 of the Act. Words and terms not defined in those sections shall have the meanings otherwise set forth in Title I of the Act.

SUBPART B: PRIORITY FACTORS

Section 861.200 Sites Eligible for Consensual Removal Action

- a) A site shall be eligible for a Consensual Removal Action to be performed by the State to remove used or waste tires from the site at no cost to the owner only if all the following requirements are met:
 - 1) No more than 500 used or waste tires are accumulated at the site;
 - 2) The owner of the tire accumulation pile is willing to voluntarily enter a written agreement with the Agency on Form Number IL 532 1914, and
 - 3) The owner of the site authorized and consents to entry upon the property by the Agency or authorized representatives or contractors to remove used or waste tires.
- b) The requirements of subsection (a)(1) shall be met by a site at which more than 500 used or waste tires are accumulated if the site owner has entered a Tire Removal Agreement with the Agency pursuant to Section 55.4 of the Act and has removed used or waste tires from the site in accordance with the Tire Removal Agreement such that no more than 500 used or waste tires remain at the site.

Section 861.210 Determining Priority for Removal of Used and Waste Tires

- a) The Agency shall identify, from the categories provided in this Section, the priority classification of sites at which the Agency intends to perform a Consensual Removal Action. The Agency shall include a site within a category only if the site is eligible for Consensual Removal Action under Section 861.200.
 - 1) "Environmental/Health Hazard Sites." A site shall be included within this category if the accumulation of used and waste tires at the site poses a threat to human health or the environment or a significant and immediate risk of creating such a hazard. Sites in this category shall have the highest priority for Agency action.
 - 2) "Non-Commercial Sites." A site shall be included within this category if the site is not an Environmental/Health Hazard Site under subsection (a)(1) and the site is not a Commercial Site under subsection (a)(3). Sites in this category shall have the

second highest priority for Agency action after Environmental/Health Hazard Sites; except that, it shall not be necessary for the Agency to take Consensual Removal Actions at all Environmental/Health Hazard Sites before taking Consensual Removal Action at the sites in this category.

- 3) "Commercial Sites." A site shall be included within this category if the used or waste tires were accumulated as a normal course of business. Such sites shall include, but are not limited to the following:
 - A) Commercial tire retail facilities;
 - B) Salvage and scrap yards;
 - C) Trucking terminals; and
 - D) Fleet vehicle repair and service facilities. The Agency shall use State funds to perform Consensual Removal Actions at sites in this category only if State funds are sufficient to perform Consensual Removal Actions at those sites designated for action in the Environmental/Health Hazard Site and Non-Commercial Site categories.
- b) Annually in July, the Agency shall publish a TPL arranged by the categories provided in this Section. Within each category, the Agency shall determine the order in which sites shall be the subject of a Consensual Removal Action. The Agency shall consider the following factors in determining the order for the sites:
 - 1) Whether removal action has been requested by the Illinois Department of Public Health or a local public health agency.
 - 2) The number of persons residing, working or engaged in recreational activities within one-quarter mile of the site.
 - 3) The type of removal action required and number of tires on a site.
 - 4) Whether access to the site by members of the general public is restricted by a fence or other barrier.
 - 5) Whether the tires were placed on the site without the owner's knowledge.
 - 6) Whether the owner received compensation from other persons to accept the tires.
 - 7) Whether the owner has the capability to undertake or finance the removal action.
 - 8) Other factors relating to the site, including but not limited to whether State resources are available to perform the removal action, pending enforcement actions.
- c) As of each January 1, where listed sites are not ready to proceed with remedial action, the Agency shall proceed down the list in order of priority to other sites which are ready to proceed.