

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
MANAGEMENT OF USED AND WASTE)	R15-19
TIRES: PROPOSED AMENDMENTS TO)	(Rulemaking – Land)
35 Ill. ADM. CODE 848)	

NOTICE OF FILING

Illinois Pollution Control Board
Attn: Mr. John Therriault, Clerk
100 W. Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

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Illinois Dept. of Natural Resources
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Mr. Chad Kruse, Hearing Officer
Illinois Pollution Control Board
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James R. Thompson Center.
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Chicago, IL 60601-3218

PLEASE TAKE NOTICE that I have today electronically filed with the Clerk's Office of the Illinois Pollution Control Board the Illinois Environmental Protection Agency's Post Hearing Comments in this proceeding, a true copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Laurence J. Mraz
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DATED: March 31, 2015

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THIS FILING IS SUBMITTED ON RECYCLED PAPER.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S POST HEARING COMMENTS

NOW COMES the Illinois Environmental Protection Agency (“IEPA” or the “Agency”), by and through one of its attorneys, Laurence J. Mraz, and hereby files its Post Hearing Comments in accordance with the Hearing Officer Order dated February 9, 2015 and direction from the Hearing Officer at the hearing held on March 5, 2015 (the “March Hearing”) regarding the above captioned matter.

These Post Hearing Comments are divided into four parts: 1) Part 1 – changes to the proposed amendments to Part 848 based on comments at the March Hearing and otherwise required to clarify the proposed amendments to Part 848; 2) Part 2 - answers to questions raised by the Pollution Control Board (the “Board”) at the March Hearing and by the Joint Committee on Administrative Rules (“JCAR”) in its e-mail dated March 2, 2015 from Mr. Jonathan C. Eastvold to the Hearing Officer which was entered into the record as Exhibit No. 1 at said Hearing (hereinafter, “Exh. 1”) that were not answered at the March Hearing; 3) Part 3- clarifications to comments made by IEPA’s expert witnesses at the March Hearing; and 4) Part 4 - forms that will be prescribed by IEPA under the proposed amendments to Part 848 as modified by the proposed changes set forth herein.

Part 1: Proposed Changes to the Amendments to Part 848 filed with the Board¹

A. Section 848.101(a)

IEPA proposes to amend Section 848.101(a) as follows:

- a) ~~(Reserved)two inch minus chips supplied to a purchaser under a contract for purchase or other sale;~~

IEPA proposes that two inch minus chips supplied to a purchaser under a contract for purchase or other sale will be exempt from the financial assurance requirements under Subpart D of Part 848 rather than Part 848 in its entirety. As discussed at the March Hearing by expert witnesses Mr. Marvel and Mr. Gray, such chips pose a substantial fire hazard (Tr. 1 at 19-20)² and therefore must be subject to Part 848, other than the financial assurance provisions in Subpart D, for the reasons set forth below regarding the proposed change to Section 848.400(c)(4).

B. Section 848.101(g)

IEPA proposes to amend Section 848.101(g) as follows:

- g) used or waste tires accepted by an owner or operator of a sanitary landfill in accordance with Section 55 of the Act, and managed at a municipal solid waste landfill in accordance with a solid waste permit issued by the Agency;

¹ The amendments set forth in the proposed amendments to Part 848 filed with the Board are not shown in red-line form in these Post Hearing Comments to avoid redlining the existing redlining which would make the proposed changes set forth herein difficult to follow.

² The transcripts from the March Hearing are identified herein as "Tr. 1". The Hearing Officer Order dated February 26, 2015 is referred to herein as the "Hearing Officer Order". The Board's pre-filed questions set forth in Attachment A to the Hearing Officer Order are referred to herein as the "Board's Pre-filed Question(s) ____".

This amendment is intended to address issues raised in the Board's Pre-filed Question 7 regarding use of the word "managed". Requiring that used or waste tires be accepted by a sanitary landfill owner or operator in accordance with Section 55 of the Environmental Protection Act (the "Act") (415 ILCS 5/55) makes this exemption from Part 848 consistent with the provisions set forth in the Act. Section 55(b-1) of the Act expressly provides, in part, as follows:

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

Sanitary landfills and facilities for reuse, reprocessing, or converting, including use as alternative fuel, shall (i) notify the Illinois Industrial Materials Exchange Service of the availability of and demand for used or waste tires and (ii) consult with the Department of Commerce and Economic Opportunity regarding the status of marketing of waste tires to facilities for reuse." 415 ILCS 5/55(b-1)

The proposed amendment will limit the exemption set forth in 848.101(g) to the above stated statutory requirements that apply to the acceptance of used or waste tires by sanitary landfill owners and operators. Section 55(a)(5) of the Act appears to provide a more general exemption

regarding prohibitions relative to used or waste tires by providing that “[no person] shall abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.” 415 ILCS 5/55(a)(5). However, the provisions in Section 55(b-1) of the Act set forth above impose much more restrictive limitations regarding the lawful disposal of used or waste tires at a sanitary landfill.

The proposed amendment to Section 848.101(g) uses the term “accepted by an owner or operator of a sanitary landfill” rather than “disposed in a sanitary landfill” so that the proposed rule is consistent with the provisions imposed under Section 55(b-1) of the Act. Section 55(b-1) of the Act provides for both disposal of used or waste tires and alternative uses for used or waste tires as an acceptable means of acceptance of the tires by landfill owners or operators. 415 ILCS 5/55(b-1). Using the more restrictive language “disposed” (the term currently used in Section 848.201(d)) is inconsistent with the provisions set forth above in Section 55(b-1) of the Act in that it fails to include alternative uses for used or waste tires. Section 55(b-1) of the Act expressly allows used and waste tires to be used for alternative uses such as lining road ways with tire scraps, alternative daily cover, use in leachate collection system, or use as an alternate energy fuel (in addition to disposal). *Id.*

Thus, the above amendment to Section 848.101(g) is required to make the proposed exemption to Part 848 consistent with the requirements imposed under Section 55 of the Act.

C. Section 848.101(h)

IEPA proposes to amend Section 848.101(h) as follows:

h) ~~(Reserved) used or waste tires altered, by shredding or slicing, and stored at the site where burned as fuel; or~~

Used or waste tires that are altered by shredding or slicing pose risks similar to other used tires or waste tires with respect to fire hazards and potential clean-up costs up until the time that such tires are burned as fuel. Accordingly IEPA proposes to delete Section 848.101(h) so that such shredded or sliced tires are not exempt from Part 848.

D. Section 848.201(a)

IEPA proposes to amend Section 848.201(a) as follows:

- a) ~~Except to the extent exempted by subsection (b) or (c) of this Section, the~~ Owners and operators of any tire storage sites and the owners and operators of any tire disposal sites are subject to this Subpart.

IEPA proposes to delete subsections (b) and (c) of Section 848.201 for the reasons set forth below. The above amendment to Section 848.201(a) reflects the proposed deletions of these subparagraphs.

E. Section 848.201(b)

IEPA proposes to delete Section 848.201(b) as follows:

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

IEPA proposes deleting Section 848.201(b) so that tire retreading and tire stamping and die cutting facilities described therein (i.e., less than 10,000 but more than 5,000 used or waste tires)

will be subject to the management standards set forth in Subpart B of the proposed rules. Used and waste tires stored at such facilities can pose risks similar to those posed by used and waste tires stored at other facilities. As stated at the Hearing by expert witness Mr. Marvel, the proposed amendments to Part 848 are consistent with standard industry practice, and hence, should not impose any significant monetary impact on the regulated facilities. (Tr. 1 at 15).

F. Section 848.201(c)

IEPA proposes to delete Section 848.201(c) as follows:

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

IEPA proposes deleting Section 848.201(c) so that tire retreading and tire stamping and die cutting facilities described therein (i.e., 5,000 or fewer used or waste tires) will be subject to the management standards set forth in Subpart B of the proposed rules. Used and waste tires stored at such facilities can pose risks similar to those posed by used and waste tires stored at other facilities. As stated in paragraph D above, the proposed amendments to Part 848 are consistent with standard industry practice, and hence, should not impose any significant monetary impact on the regulated facilities. (Tr. 1 at 15). This proposed deletion of Section 848.201(c) also addresses a concern raised in the Board's Pre-filed Question 14 regarding an apparent inconsistency in the proposed rules.

G. Section 848.202(b)

IEPA proposes to amend Section 848.202(b) as follows:

- b) Owners and operators of any sites at which more than 50 used or waste tires are located at any one time must comply with the following requirements:

The proposed amendment is in response to comments raised by the Hearing Officer at the March Hearing. (Tr. at 49).

H. Section 848.202(c)

IEPA proposes to amend Section 848.202(c) as follows:

- c) In addition to the requirements set forth in subsection (b), owners and operators of any sites at which more than 60 tons of used or waste tires are located at any one time must comply with the following requirements:

The proposed amendment to Section 848.202(c) is in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 53).

I. Section 848.202(d)

IEPA proposes to amend Section 848.202(d) as follows:

- d) In addition to the requirements set forth in subsections (b) and (c), owners and operators of any sites at which more than 125 tons of used or waste tires are located at any one time must comply with the following requirements:

The proposed amendment to Section 848.202(d) is in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 49 and 53).

J. Section 848.202(d)(1)(C)

IEPA proposes to amend Section 848.202(d)(1)(C) as follows:

- C) the used or waste tires are completely surrounded by an earthen berm or another walled, impermeable, above ground structure that meets the following requirements:~~is, in either case,~~
 - i) is not less than 2 feet in height,
 - ii) is capable of containing runoff resulting from tire fires, and
 - iii) is crossed by a stabilized roadway at not less than 2 points of access that are sufficiently separated from one another to provide 2 independent means of ingress and egress during fire conditions;

The above proposed amendments to Section 848.202(d)(1)(C) are in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 53-54).

K. Section 848.203

IEPA proposes to amend Section 848.203 as follows:

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

The proposed amendment to Section 848.202(d) is in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 49 and 53).

L. Section 848.203(a)(1)

IEPA proposes to amend Section 848.203(a)(1) as follows:

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

This proposed amendment addresses the Board's Pre-filed Question 16 that the Contingency Planning and Emergency Response plan be required to continue to address disease spreading mosquitoes and other nuisance organisms by adding back language that IEPA had proposed to delete in its proposed amendments to Part 848 filed with the Board. IEPA had proposed striking the above (red-lined) language because IEPA's proposed amendments to Part 848 require the management of used and waste tires in a manner that would eliminate such risks.

M. Section 848.203(a)(2)

IEPA proposes to amend Section 848.203(a)(2) as follows:

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

This proposed amendment also addresses the Board's Pre-filed Question 16 that the Contingency Planning and Emergency Response plan be required to continue to address disease spreading mosquitoes and other nuisance organisms by adding back language that IEPA had proposed to delete in its proposed amendments to Part 848 filed with the Board.

N. Section 848.203(a)(3)

IEPA proposes to amend Section 848.203(a)(3) as follows:

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

This proposed amendment also addresses the Board's Pre-filed Question 16 that the Contingency Planning and Emergency Response plan be required to continue to address disease spreading mosquitoes and other nuisance organisms by adding back language that IEPA had proposed to delete in its proposed amendments to Part 848 filed with the Board.

O. Section 848.204(c)(4)

IEPA proposes to amend Section 848.204(c)(4) as follows:

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

The proposed amendment is in response to the Hearing Officer's comments at the March Hearing. (Tr. 1 at 59-60).

P. Section 848.301(a)

IEPA proposes to amend Section 848.301(a) as follows:

- a) Except to the extent exempted under subsection (b) ~~or (c)~~ of this Section, the owners and operators of any tire storage sites at which more than 60 tons of used or waste tires are located at any one time, as well as the owners and operators of any tire disposal sites at which more than 60 tons of used or waste tires are located at any one time, are subject to this Subpart.

The proposed amendments to Section 848.301(a) reflect the proposed deletion of subparagraph (c) below.

Q. Section 848.301(b)

IEPA proposes to amend Section 848.301(b) as follows:

- (b) The owners and operators of any tire retreading facility ~~facilities at which less than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, as well as the owners and operators of any tire stamping and die cutting facilities at which less than 10,000 but more than 5,000 used or waste tires are located on site at any one time and at which the requirements of Sections 848.202(b)(3) and 848.203 are met, are exempt from the tire tracking receipt requirements set forth in this Part 848. Subpart with respect to those facilities.~~

Tire retreading facilities receive a bill of lading rather than a tire tracking receipt. These proposed amendments and the proposed amendment to Section 848.601(c) and the proposed deletion of Section 848.301(c) (discussed below) are necessary for the record keeping requirements to reflect industry practice while requiring that adequate records be maintained.

R. Section 848.301(c)

IEPA proposes to delete Section 848.301(c) as follows:

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

The proposed amendment to Section 848.301(b) above exempts all tire retreading facilities from the tire tracking receipt requirements under Part 848 in order to reflect industry practice (i.e., use of bills of lading rather than tire tracking receipts) while requiring that adequate records be maintained. Because the proposed amendment to subsection (b) applies to all tire retreading facilities there is no longer a need to provide a separate exemption for such facilities with 5,000 or fewer used or waste tires.

S. 848.303(a)

IEPA proposes to amend Section 848.303(a) as follows:

- a) The owner or operator must maintain a the Daily Tire Record at the site; such record ~~must be maintained in a form and format prescribed by the Agency and~~ must include the day of the week, the date, the Agency designated site number, and the site name and address, and the additional information required under this Section 848.303.

The proposed amendments to Section 848.303(a) reflect that IEPA will not be providing the Daily Tire Record forms. However, the forms must meet the requirements set forth in Section 848.303.

T. Section 848.303(c)

IEPA proposes to amend Section 848.303(c) as follows:

- c) Entries on the Daily Tire Record required to be made under this Section 848.303 paragraph (1) or (2) of subsection (b) of this Section must be made contemporaneously with the receipt or transport of each load, unless the owner or operator uses a different method of recording the required information which ensures that required information can be entered on the Daily Tire Record by the end of each operating day, in which case the information must be recorded in the Daily Tire Record by the end of each operating day. ~~Where an alternative method of contemporaneous recording is used, that record, in addition to the Daily Tire Record, must be maintained in accordance with the record retention provisions of Section 848.307. All other entries required to be made in the Daily Tire Record under this Section shall be made at the end of each operating day.~~

This proposed amendment to Section 848.303(c) is made in response to comments made by the Hearing Officer at the March Hearing regarding eliminating the contemporaneous entries on the Daily Tire Record requirement. (Tr. 1 at 66-68). IEPA agrees that requiring entries to be made at the end of each operating day is sufficient.

U. 848.304(a)

IEPA proposes to amend Section 848.304(a) as follows:

- a) The owner or operator must submit an Annual Tire Summary to the Agency for each calendar year. The Annual Tire Summary must be in a form and format prescribed by the Agency and must include the Agency designated site number, the site name and address, and the calendar year for which the summary applies.

The proposed amendments to Section 848.304(a) are in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 65).

V. Section 848.400(b)

IEPA proposes to amend Section 848.400(b) as follows:

- b) Except to the extent exempted by subsection (c) of this Section, owners and operators of any tire storage sites and owners and operators of any tire disposal sites must comply with this Subpart: prior to storing or disposing any used or waste tires.
- 1) ~~— prior to storing or disposing any used or waste tires, for sites where used or waste tires are first stored or disposed on or after January 1, 1992;~~
 - 2) ~~— by January 1, 1992, for sites where used or waste tires are disposed or stored prior to January 1, 1992.~~

The deletion of the references to the “January 1, 1992” time period is in response to JCAR’s question No. 10 (Exh. 1). The references to “January 1, 1992” are now obsolete, and Section 848.400(b) should be amended as provided above to delete the references to this date.

W. Section 848.400(c)(4)

IEPA proposes to amend Section 848.400(c)(4) as follows:

- 4) sites where, as reported in the annual notice of activity, 60 tons or less of used or waste tires, other than two-inch-minus chips that are supplied to a purchaser under a contract for purchase or other sale, are stored at the site and less than 50 used or waste tires have been disposed. Provided, however, that this exemption does not apply if the owner or operator has been issued, in any calendar year, pursuant to Section 55.5 of the Act, more than one written notice of violation of Section 55 of the Act;

As explained in IEPA’s Statement of Reasons, one of the purposes of the amendments to the exemptions set forth in Part 848 is to make the exemptions apply to materials that will actually make their way to market rather than to exempt products that are merely hypothetically marketable. (SR at 4). With respect to two-inch-minus-chips, these materials too often do not actually find their way to market, and may instead pile up indefinitely at tire processing facilities

and subsequently catch fire or otherwise become a public liability. (SR at 5). Accordingly, the exemption to the financial assurance requirements set forth in Section 848.400(c)(4) needs to be modified to qualify the types of two-inch minus chips that would be excluded in calculating the number of tons (i.e., whether the site has 60 or less tons). The intent of this change is to exclude only those two-inch minus chips that are in fact marketable in calculating the number of tons of used or waste tires at the site in determining financial assurance requirements.

X. Section 848.407

IEPA proposes to amend Section 848.407 as follows:

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 include ~~are limited to~~ 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. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, he or she may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The owner or operator may use any or all of the mechanisms specified in Sections 848.410, 848.411, and 848.413 of this Part to provide for removal.

The above amendments are in response to the Board's Pre-filed Question 24.

Y. Section 848.410(c)

IEPA proposes to amend Section 848.410(c) as follows:

- 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, ~~and 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.

The above amendments to Section 848.410(c) expand on the trust agreement provisions that IEPA requires for an acceptable form of financial assurance under Part 848. Although these requirements are not currently stated within Section 848.410 (i.e., prior to the proposed amendments to Part 848), they are expressly set forth in the Trust Agreement set forth in Appendix A, Illustration A to Part 848 in Section 17 of the Trust Agreement (Irrevocability and Termination) and Section 3 of the Trust Agreement (Establishment of Fund). The above amendments to Section 848.410(c) simply incorporate these existing requirements set forth in the Trust Agreement that are part of the Board's current rule. Thus, these amendments to Section 848.410(c) do not impose any new or different requirements regarding the Trust Agreement beyond what is currently required under Subpart D.

Z. Section 848.410(g)(3)

IEPA proposes to amend Section 848.410(g)(3) as follows:

- 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.

This proposed amendment is in response to the Board's request that a definitive time period be included in Sections 848.410(g)(3) and (h)(2). (Tr. 1 at 77-79). IEPA agrees that that this clarification is appropriate so that the time period for IEPA to respond to a request for a release of funds is not open ended or ambiguous.

AA. Section 848.410(h)(2)

IEPA proposes to amend Section 848.410(h)(2) as follows:

- 2) As soon as practicable after receiving the itemized bills for partial or final removal activities, but not 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 such information as is available to it, that the remaining cost of removal will be less than the value of the trust fund, the Agency must instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the removal plan.

This proposed amendment is also in response to the Board's request that a definitive time period be included in Sections 848.410(g)(3) and (h)(2). (Tr. 1 at 77-79).

BB. Section 848.411(d)(2)

IEPA proposes to amend Section 848.411(d)(2) as follows:

- 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.

This amendment is in response to the Hearing Officer's comments at the March Hearing. (Tr. at 90-92). The language set forth in Section 848.411(d)(2) is also based on the financial assurance for closure requirements for a surety bond providing for payment into a standby trust

required of owners and operators of hazardous waste treatment, storage and disposal facilities.
40 C.F.R. 264.143(b).

CC. Section 848.413(d)(2)

IEPA proposes to amend Section 848.413(d)(2) as follows:

- 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.

This amendment is in response to the Hearing Officer's comments at the March Hearing. (Tr. at 90-92). The language set forth in Section 848.413(d)(2) is also based on the financial assurance for closure requirements for a letter of credit providing for payment into a standby trust required of owners and operators of hazardous waste treatment, storage and disposal facilities. 40 C.F.R. 264.143(d).

DD. Section 848.501(a)(1)

IEPA proposes to amend Section 848.501(a)(1) as follows:

- 1) the owner or operator has entered into a written agreement to participate in a consensual removal action under subsection (c) of Section 55.3 of the Act, ~~[415 ILCS 5/55.4]~~

The citation to the statute is stricken because it is incorrect. Section 55(d)(2) of the Act (415 ILCS 5/55(d)(2)) allows for a tire disposal site owner or operator to receive approval from IEPA after filing a tire removal agreement with IEPA pursuant to Section 55.4 of the Act (415 ILCS 5/55.4) or entering into a written agreement to participate in a consensual removal action under Section 55.3 of the Act (415 ILCS 5/55.3). Thus, Section 848.501(a)(1) appears to be based on Section 55(d)(2) of the Act, rather than Section 55.4 of the Act. Note also that the use of italics has been removed. This change was made to reflect that the above Section 848.501(a)(1) language does not use the exact language set forth in the Act.

EE. Section 848.503(a)(5)

IEPA proposes to amend Section 848.503(a)(5) as follows:

- 5) a schedule of completing the removal of tires from the site, as required in Section 848.504. [415 ILCS 5/55.4(b)].

This amendment is made at the request of the Board to use the more specific cite. (Tr. 1 at 93-94).

FF. Section 848.601(c)

IEPA proposes to amend Section 848.601(c) as follows:

- 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.

Tire retreading facilities receive a bill of lading rather than a tire tracking receipt. This proposed amendment and the proposed amendment to Section 848.301(b) and deletion of Section 848.301(c) (discussed above) are necessary for the record keeping requirements to reflect industry practice while requiring that adequate records be maintained.

GG. Section 848.605(a)

IEPA proposes to amend Section 848.605(a) as follows:

- a) All registrations approved hereunder are effective for a period of two years from the date of approval and are renewable, except as provided in Sections 848.603(b)(d) and (i).

This amendment addresses comments made by the Board regarding an incorrect cross reference that appeared in the original rule. (Tr. 1 at 96-97).

HH. Section 848.606(a)

IEPA proposes to amend Section 848.606(a) as follows:

- a) Upon approval of a registration as a tire transporter, the transporter must place, on opposite sides of each the vehicles, a placard that displays a number issued by the Agency following the words "Registered Tire Transporter: (number)."

The above amendments are made in response to comments by JCAR (Exh. No. 1, question No. 16).

II. Section 848.608(a)

IEPA proposes to amend Section 848.608(a) as follows:

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

The proposed amendments to Section 848.608(a) are in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 65).

JJ. Section 848.701(a)

IEPA proposes to amend Section 848.701(a) as follows:

- 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)]

The above amendment to Section 848.701(a) provides the statutory cite mandating the permit requirements imposed under the Act.

KK. Section 848.702(b)

IEPA proposes to amend Section 848.702(b) as follows:

- b) The Agency will ~~may~~ prescribe the form on ~~and format in~~ which all information required under these regulations shall be submitted.

This amendment clarifies that IEPA will be providing the permit application form as discussed at the March Hearing (Tr. 1 at 99-100).

LL. Section 848.702(d)

IEPA proposes to amend Section 848.702(d) as follows:

- 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.

The above amendment clarifies that the permit applications must be on the form prescribed by the Agency. As discussed at the March Hearing, IEPA will be preparing the permit application form (attached in Part 3 of these Post Hearing Comments), and permit applicants will be required to use the IEPA form. (Tr. 1 at 99-100).

MM. Section 848.702(e)

IEPA proposes to amend Section 848.702(e) as follows:

- e) An application for permit is not deemed filed until the Agency has received, at the designated address, all information, documents, and authorization, using in the permit application form prescribed by the Agency and format and providing with the content required by these rules. 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.

The proposed amendments to Section 848.702(e) are in response to comments raised by the Hearing Officer at the March Hearing (Tr. 1 at 65), and clarify that the permit application form submitted must be the form prescribed by IEPA.

Part 2: IEPA's Responses to the Board's Questions Raised at the March Hearing and to JCAR's Questions

IEPA's responses to questions raised by the Board at the March Hearing and to JCAR's questions set forth in Exh. 1 are stated below. As stated above, the answers in these Post Hearing Comments are limited to the questions that were not answered at the March Hearing.

A. Board's Questions

1. Why did IEPA use 20 used or waste tires as a threshold in Subpart F regarding tire transporters?

The threshold of 20 tires exists under the current rules. To clarify comments made at the March Hearing, this threshold is not a statutory requirement or provision. The justification for using a threshold of 20 tires was provided by expert witness Mr. Gray at the March Hearing. (Tr. 1 at 51-52).

2. Do the tire tracking receipt requirements imposed under Sections 848.305 and 848.607 apply to used or waste tires received from a vehicle without a placard or from an otherwise unpermitted tire handler?

Yes, the requirements of Sections 848.305 and 848.607 apply regardless of whether the vehicles in question are placarded or not. Under Section 848.601 of both the current rules and IEPA's proposed amendments to Part 848, a used or waste tire transporter is not required to be registered nor have its vehicles placarded if it transports 20 used or waste tires or less. Therefore, it is possible for a generator or retailer to properly give its used or waste tires to a transporter that is not required to have a placarded vehicle. If the transporter is required to have its vehicles placarded and does not have placards on its vehicles, it still must provide tire tracking receipts to verify the generator/transporter/disposal facility for the used or waste tires. IEPA believes that this requirement will discourage open dumping of used or waste tires by making everyone in the

process aware of the tracking receipt requirement and by having a system of documentation that allows IEPA to verify the proper handling of used tires in Illinois.

3. Is the above provision consistent with Section 848.202(b)(4)?

Yes, these provisions are consistent. Section 848.202(b)(4) does not contradict the requirement for a tire tracking receipt. It simply addresses the requirements that must be followed in the event an unplacarded vehicle delivers more than 20 used tires at a registered facility. This requirement is already in place and in practice in Illinois.

4. Are the provisions set forth in Sections 848.202(b)(4) and 848.607 consistent with the Agency's goal of discouraging illegal dumping of used and waste tires?

Yes, IEPA's proposed amendments to Section 848.202 will advance IEPA's goal of discouraging illegal dumping. Under Section 848.202(b)(7) of the Board's current rules, used or waste tires are prohibited from being accepted from vehicles in which more than 20 tires are loaded unless the vehicle displays a placard. IEPA's proposed amendments to Section 848.202 delete this prohibition. Under IEPA's proposed amendments, owners and operators of sites are permitted to accept such used or waste tires, but must simply provide IEPA with the information required under Section 848.202(b)(4) of the proposed amended rules. The intent of this requirement is for IEPA to track transporters that are transporting more than 20 used or waste tires in Illinois without a placard. The transporters of such tires are required to register with IEPA and to display a placard.

There is no cost for registering vehicles with IEPA so this requirement should not promote or encourage open dumping, but enable IEPA to cause such transporters to comply with the registration and placard requirements imposed under Subpart F. IEPA believes that requiring the rejection of a load of used or waste tires from an unplacarded vehicle with more than 20 used

or waste tires required under the current rules increases the likelihood of open dumping of the used or waste tires.

Regarding the Section 848.607 tire tracking receipt requirements, the provisions simply set forth a tracking mechanism relative to used and waste tire transporters' receipt and delivery of such tires. These requirements are necessary for IEPA to track used and waste tires. For the reasons set forth above, IEPA's proposed amendments to Part 848 will discourage illegal dumping of used and waste tires.

5. How will the Agency determine whether more than 60 tons of used or waste tires are located at a site?

Certain requirements under the proposed amendments to Part 848 are applicable to owners and operators of any site at which more than 60 tons of used or waste tires are located (e.g., the contingency planning and emergency response plan requirement, record keeping and reporting requirements, and the financial assurance requirements as modified above with respect to two-inch-minus chips that are supplied to a purchaser under a contract for purchase or other sale). IEPA uses the Annual Tire Summary ("ATS") and the results of its inspections to verify the amount of used and waste tires on site. The actual amount of used and waste tires on site can fluctuate significantly during the year, and the actual amount of said tires will vary from the amount stated on the ATS. IEPA staff observations during on-site inspections often result in the discovery of violations of the financial assurance requirements (as well as other requirements in Part 848) that are not indicated by the amount of used tires indicated on the Annual Tire Summary (ATS). IEPA will continue to use ATS and on-site inspections to determine whether a site has more than 60 tons of used or waste tires.

B. JCAR's Questions

1. In Section 848.104 - by "rules and regulations adopted under the Act" does the Agency mean Chapter I of Ill. Adm. Code Title 35 or a more specific meaning?

IEPA is referring to the Environmental Protection Act (415 ILCS 5/1 *et seq.*). "Act" is defined in Section 848.104 to mean the Environmental Protection Act. This is the definition set forth in both Section 848.104 of the current rules and IEPA's proposed amendments to Part 848.

- 2(a). Regarding the Section 848.104 definition of "passenger tire equivalent" does this definition mean 22.5 pounds of waste tire or waste tire equivalent, or the weight of an average sized passenger tire?

The definition set forth in Section 848.104 for a "passenger tire equivalent" as "an average-sized passenger tire weighing 22.5 pounds" means that used or waste passenger tires (including light truck tires used on similar passenger vehicles like SUVs and pickup trucks) have an average weight of 22.5 pounds and this weight is commonly referred to as a "passenger tire equivalent".

- 2(b) How did the Agency arrive at 22.5 pounds?

The term "passenger tire equivalent" was originally established in the mid-1980s to equate the weight of different types of tires removed from stockpiles with a virtual tire count. Twenty pounds per tire was used in the mid-1980s as an approximation with easy mathematical conversions between tires and tons (100 tires/ton). The term has been given broader applicability over the years. The real average used tire passenger tire weight varies depending on the balance of light trucks (larger tires) and cars, as well as the size of the vehicles. States use many weights

ranging from 20 to 25 pounds per passenger tire equivalent, with the most common weight probably being 22.5 pounds. This weight was established by a Rubber Manufacturer's Association survey of several major tire processors that conducted studies by counting the number of tires processed and weighing the resulting product. This average weight changes gradually over time, but the variation is expected to be less than 10% from 22.5 pounds barring dramatic changes in consumer preferences or tire design.

8. Why is the Agency replacing Section 848.202(a) and Section 848.400(a), (c)(2) and (c)(3) with "Reserved" rather than renumbering them?

Use of "Reserved" rather than renumbering these Sections is done to avoid potential errors in cross references in and to Part 848. IEPA has also used "Reserved" in the additional proposed amendments to Part 848 set forth in Part 1 above for this same reason. The amendments to Part 848 are extensive and the risk of an error in a cross reference to or within Part 848 is more significant if all of the deleted Sections throughout Part 848 result in the renumbering of numerous Sections throughout Part 848.

12. How is the 60 day time period counted in Section 848.410(f)?

Section 848.401(b) requires an owner or operator to increase the total amount of financial assurance to an amount equal to or greater than the current approved removal cost estimate calculated pursuant to Section 848.404. Section 848.404(a) requires the owner or operator to submit a written removal cost estimate by January 1 of each calendar year. In addition, Section 848.404(b) requires the owner or operator to revise the removal cost estimate and submit the revision to IEPA for approval before making any changes at the site that would increase the

removal cost estimate above the current amount of financial assurance posted by the owner or operator.

In either instance, it is the owner or operator's responsibility to keep its removal cost estimate accurate and adequate and it is IEPA's responsibility to review the removal cost estimate that is submitted by the owner or operator. IEPA requires the owner or operator to increase the amount of financial assurance within 60 days of approval of the removal cost estimate. If an IEPA inspection determines that the owner or operator has exceeded the storage limit imposed by the financial assurance mechanism, then IEPA would require the owner or operator to either submit a revised removal cost estimate or decrease the amount of used or waste tires stored on site to comply with the existing storage limit. In either case, the owner or operator could be subject to a penalty imposed through a formal enforcement action for violating the financial assurance requirements under Subpart D. Also P.A. 98-656 amended Section 55 of the Act by adding the following paragraph (d-6) which provides as follows:

“(d-6) No person shall cause or allow the operation of a tire storage site in violation of the financial assurance rules established by the Board under subsection (b) of Section 55.2 of this Act. In addition to the remedies otherwise provided under this Act, the State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his or her own motion, institute a civil action for an immediate injunction, prohibitory or mandatory, to restrain any violation of this subsection (d-6) or to require any other action as may be necessary to abate or mitigate any immediate danger or threat to public health or the environment at the site. Injunctions to restrain a violation of this subsection (d-6) may include, but are not limited to, the required removal of all tires for which financial assurance is not maintained and a prohibition against the acceptance of tires in excess of the amount for which financial assurance is maintained.” 415 ILCS 5/55(d-6)

17. What kind of content is required under the Section 848.702(a) permit application requirements?

IEPA will use a permit application form that describes the required content. The permit application form is attached to these Post Hearing Comments in Part 3. IEPA does not develop policy based on the content of permit applications outside of the rules. As explained in IEPA's Statement of Reasons, the permit requirements set forth in Subpart G of the proposed amendments to Part 848 are modeled after the solid waste permitting provisions set forth in Subpart B of 35 Ill. Adm. Code 807 (SR at 20). These requirements are already in place for solid waste landfills and allow for the appropriate flexibility for the applicant to demonstrate that its operation is protective of human health and the environment. This same flexibility is necessary for permitting tire storage sites. The permitting requirements are imposed under Section 55(d-5) of the Act, as amended by P.A. 98-656.

18. What regulations are referred to in Section 848.702(b) regarding the information required thereunder?

The regulations referenced in Section 848.702(b) are to Part 848.

19. What rules are referred to in Section 848.702(e) regarding the content required thereunder?

The rules referenced in Section 848.702(e) are to Part 848.

- 20(a). Are there any contractual issues raised by retroactively revising permits to match the Board's regulations or is that already built into the language of the permit with respect to Section 848.706(a)?

The permits to be issued by the Agency to tire storage site owners or operators will not be contracts. IEPA anticipates that the permits will include language stating that the permits will be revised to reflect new regulations adopted by the Board. The permit holder will be required to comply with all applicable federal, state and local laws and

regulations regardless of the language set forth in the permit. Thus, amending the permit to reflect changes in the applicable Board rules does not impose new or additional obligations on the permit holder. This provision simply provides that the permit language will be consistent with the permit holders' legal obligations.

Also any changes to applicable Board rules would be applied prospectively and would not be imposed in a manner that would penalize a permit holder for any action or failure to act that took place prior to the change in the rule (provided that the permit holder would be subject to penalties for violating Board rules that were in existence prior to the rule change).

20(b) How much notice does the permit holder receive that a permit is being revised before the new requirements go into effect?

There is no standard notification time given to a permit holder regarding a permit revision. The Agency intends to provide a reasonable amount of time to allow the permit holder to make the necessary modifications to comply with the new requirement. The Board can also establish future effective dates regarding its rules. The permit modification will simply reflect new rules adopted by the Board. As stated above, the permit holder will be required to comply with all applicable federal, state and local laws and regulations regardless of the language set forth in the permit, including applicable rules adopted by the Board.

Part 3: Clarifications to IEPA's Expert Witness Testimony at the March Hearing

1. Extinguishing tire fires

With respect to tire fires, IEPA expert witness Terry Gray testified that it takes two gallons of water to extinguish one tire. The correct statement is that it takes almost two gallons of water to absorb the combustion energy of one pound of a used tire, or over 40 gallons for one tire. The necessity that 40 gallons of water per tire (rather than two gallons of water per tire) must be used to extinguish a tire strengthens IEPA's position that the management standards (including fire safety standards), contingency planning and emergency response, and other proposed amendments to Part 848 are necessary to protect the environment and people from the potential dangers of tire fires.

2. Notice of cancellation regarding surety bonds guaranteeing payment

On page 85, line 22, of the transcripts, "and the trustee" should be stricken. As Mr. White explained at the March Hearing, the surety must provide a 120 day notice of cancellation to IEPA in order to cancel the surety bond guaranteeing payment. The 120 day notice of cancellation is required under IEPA's proposed Section 848.411(g)(1). Pursuant to IEPA's proposed Section 848.411(g)(2), IEPA is required to release the surety only after the owner or operator substitutes an alternate financial assurance meeting the requirements of Subpart D or IEPA releases the owner or operator from the requirements of Subpart D following completion of removal.

Part 4: Forms prescribed by the Agency under Part 848

The forms prescribed by IEPA under the proposed amendments to Part 848 are attached hereto as Exhibit A. Some of these forms are currently in use by IEPA. The General Application for Permit form (LPC – PA1) contains handwritten changes. IEPA will endeavor to provide a clean copy of said form to the Board at the April 15, 2015 hearing in Chicago.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

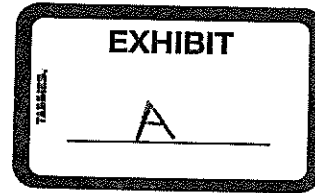
By: 

Laurence J. Mraz
Assistant Counsel
Division of Legal Counsel

DATED: March 31, 2015

Laurence J. Mraz #6229915
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-9822

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 [name of State] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "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. Trust 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 the Federal or state government; and
- (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 discretion 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 depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository 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 the 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, 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 the 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 his/her 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 Illinois EPA 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, 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 were not modified or altered in anyway other than as intended to completed the Agreement.

Attest: Signature of
Grantor _____

Typed Name _____

Title _____

Seal

Attest: Signature of
Trustee _____

Typed Name _____

Title _____

Seal

**Financial Assurance Forms
Certificate of Acknowledgment**

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)
) SS
County of _____)

On this ____ day of _____, ____ before me personally came _____ (owner or operator) to me known, who, being by me duly sworn, did depose and say that she/he resides at _____ (address), that she/he is _____ (title) of _____ (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

_____ Notary Public

My Commission Expires _____

SURETY BOND GUARANTEEING PAYMENT

Date bond executed: _____
Effective date: _____
Principal: _____

(1)

Type of Organization: _____
(2)

State of incorporation: _____

Surety(ies): _____

(3)

Removal Amount _____

EPA I.D. No. _____

(4)

Name _____
Address _____
City _____

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 Part 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, Section 848.506;
- D) fails to initiate removal when ordered to do so by the IPCB 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 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 Part 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.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure and/or post-closure 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.

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: \$ _____

**Instructions for completing
Surety Bonds Guaranteeing Payment**

1. Legal name and business address of owner or operator
2. Insert "individual," "joint venture," "partnership," or "corporation"
3. Name(s) and business address(es)
4. EPA Identification Number, name, address and removal amount(s) for each facility guaranteed by this bond [indicate removal amounts separately]

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Ave East
Post Office Box 19276
Springfield, IL 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 5/1 et seq. as amended."

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.

Signature _____

Name _____

Title _____

Date _____

Name and address of issuing institution _____

This credit is subject to

**Instructions for completing and submitting
Irrevocable Standby Letter of Credit**

1. Owner's or Operator's name and address
2. In words
3. Date at least 1 year later
4. At least 1 year
5. Date
6. Owner's or operator's name
7. Owner's or operator's name
8. Owner's or operator's name
9. Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"
10. Please submit the following:

a completed, signed original of the letter of credit;

in addition to the letter of credit, include a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and also include the following information: the Illinois EPA identification number, name and address of the facility being covered by the letter of credit, and the amount of funds assured for removal costs of the facility by the letter of credit (See 35 Ill. Adm. Code, Section 848.413(c)(2)); and

a signed original of the standby trust agreement. Please Note: Under the terms of the letter of credit, all amounts paid pursuant to a draft by the IEPA will be deposited by the issuing institution directly into the standby trust fund (See 35 Ill. Adm. Code, Section 848.413(d)).



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Tire Tracking Receipt

A copy of this Tire Tracking Receipt should be kept by the Generator (source of used or waste tires) as well as by the Registered Tire Transporter.

Calendar Year: _____

GENERATOR (SOURCE OF USED OR WASTE TIRES)			
Name:		Pickup Date:	
Address:		City:	
State:	Zip Code:	Phone #:	
DESCRIPTION OF SHIPMENT			
WHOLE TIRE COUNT		◁ OR ▷	TOTAL TIRE WEIGHT IN TONS
# of Passenger Tires	# of Truck Tires		Total Tonnage <input type="text"/>
<input type="text"/>	<input type="text"/>		
# of Agricultural Tires	# of OTR Tires		
<input type="text"/>	<input type="text"/>		
Printed Name _____		Signature _____	
		Date _____	

DESTINATION			
Name:		Delivery Date:	
Address:		City:	
State:	Zip Code:	Phone #:	

REGISTERED TIRE TRANSPORTER			
Name:			
Registration #:		Expiration Date:	
_____ Printed Name _____ Signature _____ Date _____			

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h)).

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

USED TIRE TRANSPORTATION REGISTRATION APPLICATION

This Application is a: IEPA ID Number (if known): _____

New Application

Renewal Registration Number: T _____

Added Vehicle Registration Number: T _____

Would you like to be placed on a list of registered commercial used tire transporters listed on our website and available to tire retailers and the public?
 Yes No

Expiration Date of previously issued Registration _____

Applicant: You may complete this application online, save a copy, print, sign and mail it to the Used Tire Unit at the address above.

You may also print this form, complete it (type or print in ink), sign it and mail it to the address above. Complete items 1 - 3. If a specific item does not apply to your company enter N/A (not applicable). The Agency will not accept incomplete or photocopied applications.

1. CONTACT INFORMATION

Name of Person(s) or Transportation Company	Principal Owner of Vehicles
Name of Principal or Authorized Person	Owner's Driver's License # State Vehicle US DOT #
Driver's License Number State	Owner's Mailing Address
Location (No PO Box)	City State Zip
Mailing Address (if different than location)	Phone Owner's Email Address
City State Zip	Vehicle Safety Inspection # Business license # County/City
Phone Email Address	Vehicle Insurance Company Policy #

I, the undersigned, certify that:

- a. the information contained herein is true and complete and that the loading, transporting and unloading of used and waste tires will comply with all applicable state and federal laws and regulations,
- b. will comply with all applicable state and federal laws and regulations,
- c. no tires shall be transported with other wastes on one vehicle if such 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 and regulation, the equipment and procedures to be used shall be proper for the tire transportation to be safe for the haulers, handlers, and others, and meet the requirements of all other applicable state and federal laws and regulations (Both must be signed and dated).

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44 (h)).

Signature of Person(s) or Transportation Company Manager (or Authorized Representative)	Date	Signature of Vehicle Owner (or Authorized Representative)	Date
---	------	---	------

This Agency is authorized to require this information under 415 ILCS 5/4, and under 35 Ill. Adm. Code 848 Subpart F. Disclosure of this information is required under that paragraph of the law and subpart of the regulations. Failure to do so may prevent this form from being processed and could result in your application being denied.

FOR AGENCY USE ONLY					
Total Vehicles Registered	Transporter Number	Reviewer's Initials	Signature	Date	Exp. Date

2. PROCESSING/DISPOSAL FACILITIES USED

Company/Individual Name: _____

Provide the name(s), address(es) and phone number(s) for each facility that accepts your used tires for processing or disposal. All facilities listed must be operating, registered, commercial processors.

1.	Name:	_____		
	Address:	_____		
	City:	_____	State: _____	Zip: _____
	Phone:	_____	Email Address:	_____

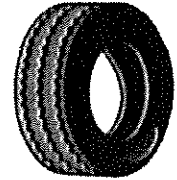
Company/Individual Name: _____

Record the State from which license plates are issued, license plate number(s), vehicle make, model, year and VIN, for each vehicle to be registered. Vehicle is defined as 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. For the purpose of a Used Tire Transportation Registration Application, the vehicle is the device that is used to transport used tires. For example, if a tractor-trailer is used to transport used tires, the trailer is considered the vehicle. For tractor-trailer units, complete information for trailer only. For roll-off boxes (containers) that connect directly to the tractor, complete information for tractor and indicated capacity of container.

STATE LICENSE PLATE NUMBER	VEHICLE(S)	DESCRIPTION
a. State b. License Plate	a. Make - Model - Year b. Vehicle ID Number	a. Type (tank trailer, flatbed, roll-off, etc.) b. Capacity
1. a. _____ b. _____	a. _____ b. _____	a. _____ b. _____



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
ANNUAL TIRE SUMMARY/ANNUAL NOTICE OF ACTIVITY**



This form must be submitted by January 31 of each year and shall cover the preceding calendar year. Pursuant to Section 848.202(c) of 35 Illinois Administrative Code, Subtitle G: Waste Disposal, tire storage sites and tire disposal sites at which more than 60 tons of used or waste tires are located, at any time, shall be required to complete this form.

TIRE DEFINITIONS: Passenger/Light Truck: 22.5 Lbs.
Medium Truck: 110 Lbs.
Off The Road (OTR): 500 Lbs.

CALENDAR YEAR: _____

FACILITY NAME:	_____
SITE NUMBER:	_____
STREET ADDRESS:	_____
CITY, STATE & ZIP:	_____
TELEPHONE #:	_____

The information contained hereinafter should be taken from your facility's daily tire records. All tire activity should be reported in weight.

CALENDAR YEAR TOTALS

WEIGHT OF TIRES RECEIVED AT SITE	<input type="text"/>	CIRCLE ONE: LBS TONS	WEIGHT OF TIRES TRANSPORTED FROM SITE	<input type="text"/>	CIRCLE ONE: LBS TONS
WEIGHT OF TIRES COMBUSTED ON SITE	<input type="text"/>	CIRCLE ONE: LBS TONS	WEIGHT OF TIRES REMAINING ON SITE	<input type="text"/>	CIRCLE ONE: LBS TONS
(Agency-permitted incineration facilities only)					
WEIGHT OF PRODUCT TRANSPORTED	<input type="text"/>	TONS	WEIGHT OF PRODUCT REMAINING	<input type="text"/>	TONS
WEIGHT OF BY-PRODUCT TRANSPORTED	<input type="text"/>	TONS	WEIGHT OF BY-PRODUCT REMAINING	<input type="text"/>	TONS

I certify that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. 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.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44(h)).

SIGNATURE TITLE DATE

If you have used and/or waste tires at other locations, complete a separate report for each location.

Return this completed form to: Illinois Environmental Protection Agency
Bureau of Land/Used Tire Program
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

This Agency is authorized to require this information under Illinois Revised Statutes 1987, Chapter 111 1/2, Section 1055(c), Adm. Disclosure of this information is required under that Section. This form has been approved by the Forms Management Center.



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Annual Tire Transportation Report

The Annual Tire Transportation Report must be received by the Agency on or before March 1 following the end of the calendar year for which the report is submitted. Send the form to:

Illinois Environmental Protection Agency
 Used Tire Unit
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

Calendar Year: _____

REGISTERED TIRES TRANSPORTED			
Name:		Registration #:	
Address:		Expiration Date:	
City:	State:	Zip Code:	Phone #:

USED OR WASTE TIRES RECEIVED BY TRANSPORTER			
WHOLE TIRE COUNT		◀ OR ▶	TOTAL TIRE WEIGHT IN TONS
# of Passenger Tires <input type="text"/>	# of Truck Tires <input type="text"/>		Total Tonnage <input type="text"/>
# of Agricultural Tires <input type="text"/>	# of OTR Tires <input type="text"/>		

USED OR WASTE TIRES DELIVERED TO (Complete for each destination)			
Name:		City:	
Address:		Phone #:	
State:	Zip Code:		
WHOLE TIRE COUNT		◀ OR ▶	TOTAL TIRE WEIGHT IN TONS
# of Passenger Tires <input type="text"/>	# of Truck Tires <input type="text"/>		Total Tonnage <input type="text"/>
# of Agricultural Tires <input type="text"/>	# of OTR Tires <input type="text"/>		

USED OR WASTE TIRES REMAINING WITH TRANSPORTER			
WHOLE TIRE COUNT		◀ OR ▶	TOTAL TIRE WEIGHT IN TONS
# of Passenger Tires <input type="text"/>	# of Truck Tires <input type="text"/>		Total Tonnage <input type="text"/>
# of Agricultural Tires <input type="text"/>	# of OTR Tires <input type="text"/>		

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h)).

Printed Name

Signature

Date



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

General Application for Permit (LPC - PA1)

This form must be used for any application for permit from the Bureau of Land, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C. One original, and two copies, or three if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities and modifications being proposed. Attach sufficient information to demonstrate the compliance with all regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance. **Note: Applicants must provide a physical address; the post office will not deliver a certified letter (final action letter) to a P.O. Box only. Please provide an extended ZIP+4 code for the site identification and owner/operator information.**

You may complete this form online, save a copy locally, print, sign and submit it to the Bureau of Land at the address below. Note: Hand-delivered permit applications must be delivered between 8:30 am and 5:00 pm, Monday through Friday (excluding State holidays) to:

Bureau of Land, Permit Section, Mail Code #33
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

I. Site Identification:

Site Name: _____ IEPA BOL No.: _____
 Street Address: _____ P.O. Box: _____
 City: _____ State: IL Zip + 4:* _____ *Notification letters will not be sent without a 9-digit zip code. County: _____
 Existing DE/OP Permit Numbers (if applicable): _____

II. Applicant Identification:

Owner		Operator (if Different)	
Name: _____		Name: _____	
Street Address: _____		Street Address: _____	
PO Box: _____		PO Box: _____	
City: _____ State: _____		City: _____ State: _____	
Zip + 4: _____ Phone: _____		Zip + 4: _____ Phone: _____	
Contact: _____		Contact: _____	
Email Address: _____		Email Address: _____	
FEIN ID No. _____		FEIN ID No. _____	

Agency correspondence mailed to: Owner Operator Other - Explain

TYPE OF SUBMISSION/REVIEW PERIOD:

TYPE OF FACILITY:

TYPE OF WASTE:

- | | | |
|--|--|---|
| <input type="checkbox"/> New Landfill/180 days (35 IAC Part 813) | <input type="checkbox"/> Landfill | <input type="checkbox"/> General Municipal Refuse |
| <input type="checkbox"/> Landfill Expansion/180 days (35 IAC Part 813) | <input type="checkbox"/> Land Treatment | <input type="checkbox"/> Hazardous |
| <input type="checkbox"/> Sig. Mod. to Operate/90 days (35 IAC Part 813) | <input type="checkbox"/> Transfer Station | <input type="checkbox"/> Special (Non-Hazardous) |
| <input type="checkbox"/> Other Sig. Mod./90 days (35 IAC Part 813) | <input type="checkbox"/> Treatment Facility | <input type="checkbox"/> Chemical Only (exec. putrescible) |
| <input type="checkbox"/> Renewal of Landfill/90 days (35 IAC Part 813) | <input type="checkbox"/> Storage | <input type="checkbox"/> Inert Only (exec. chem. & putrescible) |
| <input type="checkbox"/> Development/90 days (35 IAC Part 807) | <input type="checkbox"/> Incinerator | <input type="checkbox"/> Used Oil |
| <input type="checkbox"/> Operating/45 days (35 IAC Part 807) | <input type="checkbox"/> Composting | <input type="checkbox"/> Potentially Infectious Medical Waste |
| <input type="checkbox"/> Supplemental/90 days (35 IAC Part 807) | <input type="checkbox"/> Recycling/Reclamation | <input type="checkbox"/> Landscape/Yard Waste |
| <input type="checkbox"/> Permit Transfer/90 days (35 IAC Part 807) | <input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Renewal of Experimental Permit (35 IAC Part 807) | <input checked="" type="checkbox"/> USED TIRE STORAGE/PROCESSING FACILITY | |
| <input checked="" type="checkbox"/> OPERATING/90 DAYS (35 IAC PART 813) | | |

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42). This form has been approved by the Forms Management Center.

III. Description of this Permit Request: (Note: The box below will expand as needed)

IV. Completeness Requirements

1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions? Yes No N/A
 (If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention. Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)

Public Notice Recipients

Name: _____	Title: _____
Street Address: _____	P.O. Box: _____
City: _____ State: _____ Zip Code: _____	

- | | Yes | No | N/A |
|--|--------------------------|--------------------------|--------------------------|
| 2. Has the required Certification of Authenticity been completed and enclosed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is siting approval currently under litigation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. a. Is a closure, and if necessary a post-closure plan covering these activities being submitted, or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. has one already been approved? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, provide the permit number: _____ | | | |
| 5. a. For operating waste disposal sites, only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code 745? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. a. For waste disposal sites, only: Is the property for the facility held in a beneficial trust? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. a. Does the application contain information or proposals regarding the hydrogeology; groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadose zone monitoring for which you are requesting approval? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. If yes, have you submitted a third copy of the application (4 total) and supporting documents? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Has a 39(i) certification been submitted for each owner and operator business entity, and each person who signed for each entity, and each person who signed or may sign any application for this facility? Note: Only the original set of these forms need be submitted. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If no, then complete this certification as indicated. | | | |

V. Signatures:

Original signatures are required. Signature stamps or applications transmitted electronically or by FAX are not acceptable.

All applications shall be signed by the person designated below as a duly authorized representative of the owner an/or operator. A printed name for each signature should also be provided.

Corporation - By a principal executive officer of the level of vice-president or above.

Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.

Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative of the owner and operator only if:

1. They meet the criteria above or the authorization has been granted in writing by a person described above; and
2. Is submitted with this application (a copy of a previously submitted authorization can be used).

I hereby affirm that all information contained in this application is true and accurate to the best of my knowledge and belief. I do herein swear that I am a duly authorized representative of the owner/operator and I am authorized to sign this permit application form.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Printed Name: _____ Title: _____

Owner Signature: _____ Date: _____

Notary: Subscribed and Sworn before me this _____ day of _____ 20__ .

My commission expires on: _____

Signature & Stamp/Seal of Notary Public

Printed Name: _____ Title: _____

Operator Signature: _____ Date: _____

Notary: Subscribed and Sworn before me this _____ day of _____ 20__ .

My commission expires on: _____

Signature & Stamp/Seal of Notary Public

Licensed Professional Engineer's Name: _____

Licensed Professional Engineer's Title: _____

Registration Number: _____

Company: _____

Street Address: _____ PO Box: _____

City: _____ State: _____ Zip + 4: _____

Email Address: _____ Phone: _____

License Expiration Date: _____

Licensed Professional Engineer's Seal

Signature: _____ Date: _____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
MANAGEMENT OF USED AND WASTE)	R15-19
TIRES: PROPOSED AMENDMENTS TO)	(Rulemaking – Land)
35 Ill. ADM. CODE 848)	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached Notice of Filing and the Illinois Environmental Protection Agency’s Post Hearing Comments, by mailing a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on March 31, 2015 on each of the following persons:


Illinois Pollution Control Board
Attn: Mr. John Therriault, Clerk
100 W. Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

Office of Legal Services
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Division Chief of Environmental Enforcement
Office of the Attorney General
100 West Randolph St., Suite 1200
Chicago, IL 60601

Mr. Chad Kruse, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601-3218

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Laurence J. Mraz
Assistant Counsel
Division of Legal Counsel

DATED: March 31, 2015

Laurence J. Mraz #6229915
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-9822

THIS FILING IS SUBMITTED ON RECYCLED PAPER.

