

ILLINOIS POLLUTION CONTROL BOARD
August 8, 1991

IN THE MATTER OF:)
)
MANAGEMENT OF) R90-9(B)
USED AND WASTE TIRES) (Rulemaking)

PROPOSED RULE. FIRST NOTICE.

OPINION AND ORDER OF THE BOARD (by J. C. Marlin):

On, April 25, 1991 the Board adopted in Docket R90-9(A) regulations concerning the processing, storage, transportation and disposal of used and waste tires. At the time of that Order the Board opened this docket for the purpose of repealing 35 Illinois Administrative Code Part 849, for further consideration of the retreaders/recyclers exemption contained in Docket A, and to refine certain provisions of these rules e.g. the pesticide application provisions, etc.

The Board proposed a "package" of these provisions for consideration by the participants in its Order of July 11, 1991. Because the effective date of the new management standards is January 1, 1992, the Board requested public comment upon both the standards adopted in Docket A and the new proposal to be submitted by August 1, 1991. The Board did not receive any public comments by that date. By today's action the Board proceeds to First Notice publication of the proposal in the Illinois Register.

DISCUSSION

Exemptions for Tire Retreading Facilities

During the course of the R90-9(A) proceeding, tire remanufacturers (retreaders) expressed concern regarding the management standards proposed by the Agency, particularly, the 14 day storage limitation and the fire exposure separation distances. The testimony presented at the hearings [Tr. No. 1, pp. 98-104 and Tr. No. 2, pp. 101-102] indicate that these facilities will have to manufacture at least 500 tires of a specific type at a time to achieve economies of scale in production, and further notes that it is not possible to collect 500 tires of a kind within 14 days. Therefore, as a practical matter, far more than 500 tires must be stored on site at any given time. In order to have efficient production, affected participants stated that retreading facilities need to maintain sufficient inventory with a turnover time in the range of 2 to 3 months.

The testimony presented at the August 10, 1990 hearing [Tr.2 pp. 118-127] and the comments filed with the Board [PC9] indicate

that the proposed fire exposure separation distances will place a considerable burden on tire retreading facilities located in urban areas having limited property.

In PC #14 the Agency proposed exempting tire retreaders from certain management standards. The Agency proposal included the following observation:

In proposing these revisions the Agency is motivated by a heightened awareness that remanufacturers of tires play an important role in contributing to the solution to the problem of waste tires. By reusing otherwise unusable tires the remanufacturer prevents those tires from being landfilled or improperly discarded. The Agency believes that adoption of the proposed regulations could create a regulatory environment where small and medium size remanufacturers as a category of facilities could not legitimately operate. Therefore the following additional comments are made with the recognition that tire remanufacturers are performing an important role related to used and waste tires and that their activities should be encouraged and not prohibited when carried out in an environmentally safe manner.

The Agency suggested changes which provide exemptions to retreading facilities from specific requirements of the management standards of Section 848.202. The Agency's proposal exempts sites at which tires are retreaded from the pile separation requirements of subsections 848.202 (b)(1), (b)(2), (c)(4) and (c)(5), and the earthen berm requirement of subsection 848.202 (d)(3) based on the number of tires stored, the size of the tire storage unit, and the number of tires retreaded on a daily basis. The Agency believes that these exemptions will provide relief to legitimate tire remanufacturers from the fire protection and mosquito management standards.

The Board agrees that tire retreaders need relief from certain requirements in the adopted rule and, therefore, proposes to adopt new Section 848.206 which allows tire retreaders to develop and implement alternate management standards to minimize the threat of fire and mosquito breeding. This Board solicits comments from interested parties on the advisability of adopting this section.

Under this proposal, existing large retreaders will be exempt from certain provisions if they have a storage unit no more than 500 feet by 500 feet by 20 feet (dimensions suggested by the Agency); the site operator was registered with the U.S. Department of Transportation (U.S. DOT) prior to April 25, 1991; and retreads at least 500 tires per day. The date April 25, 1991 was chosen because it is the day the Board finalized Docket A of this

proceeding. The intent is that a site which operated under a U.S. DOT registration on that date will meet the 848.206 (a)(1)(B) requirement despite changes of ownership.

As suggested by the Agency the exemption will apply to 848.202(b)(1), (b)(2), (c)(4) and (c)(5). These subsections involve separation of piles, distance from buildings, stacking requirements, and unit size. The Board additionally proposes an exemption from 848.202(b)(5) which requires that tires be "altered, reprocessed, converted, covered or otherwise prevented from accumulating water" within 14 days of receipt. Large retreaders will be allowed to control mosquitoes by an alternate method to be detailed in the contingency plan pursuant to Section 848.203. The Agency suggested limiting the exemption to retreaders located in Chicago. The Board proposal applies statewide.

At hearing, Lakin General raised the issue of whether retreaders should receive a credit in terms of financial assurance requirements for retreadable tires (TR.1, p.170). The Board proposes to exempt retreadable tires stored on site from removal cost estimate calculation under Section 848.404. These tires have intrinsic value beyond their fuel potential and are not likely to be abandoned. Tire derived fuel stored at the site it is to be burned is exempt from financial assurance. Under this reasoning it likewise makes sense to exempt retreadable tires. The proposal also exempts up to 2000 other tires from the financial assurance calculation. This will prevent a situation where a retreader must seek financial assurance for a small number of used or waste tires.

New large sites will be exempt from 848.202(b)(5), and have the same financial assurance requirements as existing large sites. It is assumed that a new site will be selected in an area large enough to meet the spacing requirements.

Small retreading sites with less than 500 tires and the capacity to retread at least 20 tires per day are currently exempt from financial assurance requirements and 848.202(c)(4), (c)(5), and (d)(3). The proposed rule exempts them from 848.202(b)(1) and (b)(2) as well. Given the small number of tires involved the Board does not propose to exempt them from (b)(5).

Pesticide Treatment

The proposed amendment to the Pesticide Treatment Section, 848.205, will make that section applicable to the entire Part and Title XIV of the Act rather than just Section 848.203. The rule will then be applicable to most tire piles that are subject to the provisions of the Act and rules.

Existing Part 849

Part 849, the original rules for management of scrap tires to control mosquitoes, is proposed to be repealed. Part 849 will remain in force, however, until this proposal becomes a final rule and takes effect.

Section 848.202

At subsection 848.202(b)(6), the Board has replaced the reference to Part 807 with a reference to Subtitle G, since it is more inclusive of the landfill permitting requirements.

ORDER

The following rules are hereby submitted for First Notice publication. The Board directs the Clerk of the Board submit these rules to the Secretary of State for publication in the Illinois Register.

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

PART 848
 MANAGEMENT OF USED AND WASTE TIRES

SUBPART A: GENERAL

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 848.101 Applicability
 848.102 Severability
 848.103 Other Regulations
 848.104 Definitions
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SUBPART B: MANAGEMENT STANDARDS

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 848.204 Storage of Used and Waste Tires Within Buildings
 848.205 Pesticide Treatment
 848.206 Exemptions for Tire Retreading Facilities

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Section
 848.301 Applicability
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 848.303 Daily Tire Record
 848.304 Annual Tire Summary
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SUBPART D: FINANCIAL ASSURANCE

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 848.400 Scope and Applicability
 848.401 Upgrading Financial Assurance
 848.402 Release of Financial Institution
 848.403 Application of Proceeds and Appeal
 848.404 Removal of Cost Estimate
 848.406 Mechanisms for Financial Assurance
 848.407 Use of Multiple Financial Mechanisms
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 848.410 Trust Fund
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 848.502 Removal Performance Standard
 848.503 Contents of Proposed Tire Removal Agreements
 848.504 Time Allowed for Tire Removal
 848.505 Removal Plan
 848.506 Initiation of Tire Removal
 848.507 Certification of Removal Completion
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SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

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 848.601 Tire Transportation Prohibitions
 848.602 Tire Transportation Registrations
 848.603 Agency Approval of Registrations
 848.604 Registration No Defense
 848.605 Duration and Renewal
 848.606 Vehicle Placarding

848.Appendix A FINANCIAL ASSURANCE FORMS

- Illustration A "Trust Agreement"
- Illustration B "Certification of Acknowledgement"
- Illustration E "Irrevocable Standby Letter of Credit"
- Illustration C "Owner or Operator's Bond Without Surety"
- Illustration D "Owner or Operator's Bond With Parent Surety"
- Illustration E "Letter from the Chief Financial Officer"

AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1055.2 and 1027).

SOURCE: Adopted in R90-9(A), at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-9(B) at 15 Ill. Reg. , effective

SUBPART A: GENERAL

Section 848.101 Applicability

Section 55 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par, 1055) sets forth prohibitions relative to the storage, processing, disposal and transportation of used and waste tires. This Part sets forth rules establishing further requirements relative to the storage, processing, disposal and transportation of used and waste tires.

~~This Part shall not apply to any site at which tires are retreaded if the owner or operator of such a site holds a valid registration as a tire retreader pursuant to 49 CFR 571.117 and 49 CFR 574 (incorporated by reference at Section 848.105) and complies with 35 Ill. Adm. Code 849.~~

SUBPART B: MANAGEMENT STANDARDS

Section 848.202 Requirements

- a) Unless exempted by Section 848.201, owners and operators of tire storage sites and tire disposal sites shall meet the requirements of this Section. These requirements shall apply to all used or waste tires located at the site, including altered tires, converted tires and reprocessed tires.
- b) At sites at which more than 50 used or waste tires are located the owner or operator shall comply with the following requirements:

- 1) Used or waste tires shall not be placed on or accumulated in any pile outside of any building unless the pile is separated from all other piles by no less than 25 feet and aisle space is maintained to allow the unobstructed movement of personnel and equipment.
 - 2) Used or waste tires shall not be accumulated in any area located outside of any building unless the accumulation is separated from all buildings, whether on or off the site, by no less than 25 feet.
 - 3) Used or waste tires shall not be placed on or accumulated in any pile unless the pile is separated from all potential ignition sources, including cutting and welding devices, and open fires, by not less than 250 feet or all such activities are carried out within a building.
 - 4) Used or waste tires shall be drained of water on the day of generation or receipt.
 - 5) Used or waste tires received at the site shall not be stored unless within 14 days after the receipt of any used tire the used tire is altered, reprocessed, converted, covered or otherwise prevented from accumulating water. All used and waste tires received at the site before June 1, 1989, shall be altered, reprocessed, converted, covered or otherwise prevented from accumulating water by January 1, 1992.
 - 6) USED OR WASTE TIRES SHALL NOT BE ABANDONED, DUMPED OR DISPOSED ON PRIVATE OR PUBLIC PROPERTY IN ILLINOIS, EXCEPT IN A LANDFILL PERMITTED BY THE AGENCY PURSUANT TO 35 ILL. ADM. CODE PART ~~807~~ Subtitle G. (Section 55(a)(5) of the Act)
 - 7) Used or waste tires shall not be accepted from a vehicle in which more than 20 tires are loaded unless the vehicle displays a placard issued by the Agency under Section 848: Subpart F.
 - 8) Tires shall not be accumulated in an area if the grade of the ground surface exceeds two percent slope unless the requirements of subsection (d)(3) of this Section are met.
- c) In addition to the requirements set forth in subsection (b), the owner or operator shall comply with the

following requirements at sites at which more than 500 used or waste tires are located.

- 1) A contingency plan which meets the requirements of Section 848.203 shall be maintained.
- 2) The recordkeeping and reporting requirements of Subpart C shall be met.
- 3) Used or waste tires shall not be placed on or accumulated in any pile unless the pile is separated from grass, weeds, brush, over-hanging tree limbs and similar vegetative growth by no less than 50 feet.
- 4) Used or waste tires shall not be placed on or accumulated in any tire storage unit unless the unit is no more than 20 feet high by 250 feet wide by 250 feet long. In determining the width or length of any tire storage unit, the aisle space between any piles within the unit shall be included.
- 5) Used or waste tires shall not be placed or accumulated in any tire storage unit unless one of the following requirements is met:
 - A) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by an earthen berm that is no less than 1.5 times the maximum height of any tire pile within the storage unit; or
 - B) The tire storage unit is separated from all buildings, whether located on or off the site, and all other tire storage units by a separation distance that is not less than the distance identified by the following:

Required Separation Distances
From Tire Storage Units (in feet)

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

- d) In addition to the requirements set forth in subsections (b) and (c) of this Section, the owner or operator shall comply with the following requirements at sites at which more than 10,000 used or waste tires are located.
- 1) The area of the site where used or waste tires are stored shall be completely surrounded by fencing in good repair which is not less than 6 feet in height.
 - 2) Entrance to the area where used or waste tires are located shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.
 - 3) The area of the site where used or waste tires are stored shall be completely surrounded by an earthen berm or other structure not less than 2 feet in height except that the owner or operator shall provide a means for access through or over the berm or other structure, capable of containing runoff resulting from tire fires, accessible by fire fighting equipment.

Section 848.205 Pesticide Treatment

Owners or operators of tire storage sites or tire disposal sites treating used or waste tires with pesticides pursuant to ~~Section 848.203~~ this Part or Title XIV of the Act shall meet the following requirements:

- a) Maintain a record of pesticide use at the site. Such a record shall include the following information for each application:
 - 1) Date of pesticide application;
 - 2) Number of used or waste tires treated;
 - 3) Amount of pesticide applied; and
 - 4) Type of pesticide used.
- b) Notify the Agency of pesticide use within 10 days of each application. The notification shall include the information listed in subsection (a).
- c) Persons applying pesticides to used and waste tires must comply with the requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.). Information is available from:

Illinois Department of Agriculture
Bureau of Plant & Apiary Protection
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281

[New Section]

Section 848.206 Exemptions for Tire Retreading Facilities

- a) Existing sites. Sites which meet the conditions of subsection (a)(1) are exempt as set out in subsection (a)(2).
 - 1) Conditions for exemption.
 - A) Size of unit. The storage unit is no more than 20 feet high by 500 feet wide by 500 feet long, including the aisle space between any piles within the unit.
 - B) Registration. The site was operated by a tire retreader who, as of April 25, 1991, held a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.117 and 574.
 - C) Equipment. The retreader:
 - i) Has equipment at the site which is capable of retreading at least 500 tires

per day when operated in accordance with the equipment manufacturer's specifications; and

- ii) Maintains documentation at the site which demonstrates that an average of 500 or more tires per day were retreaded at the site during the previous two calendar months.

2) Scope of exemption.

A) Pile separation distances specified at subsections 848.202(b)(1) and (b)(2), storage limitation on whole tires specified at subsection 848.202(b)(5), tire storage unit requirements of subsections 848.202 (c)(4), (c)(5), and the earthen berm requirement of subsection 848.202 (d)(3) do not apply.

B) The cost of removing the following is excluded from the cost estimate under Section 848.404:

i) All retreadable tires; and

ii) Up to 2000 other tires.

3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203, the owner or operator shall develop and implement a tire storage plan within 60 days of the effective date of these regulations to minimize the threat of fire and mosquito breeding. Such a plan shall include but not be limited to tire storage arrangements, aisle space, access to fire fighting personnel and equipment, mosquito inspection and control.

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

1) Conditions for exemption.

A) Size of unit. The storage unit is no more than 20 feet high by 500 feet wide by 500 feet long, including the aisle space between any piles within the unit.

B) Registration. The site is operated by a tire retreader who, since April 25, 1991, first obtained a valid registration with the U.S.

Department of Transportation as a tire retreader under 49 CFR 571.117 and 574.

C) Equipment. The retreader:

- i) Has equipment at the site which is capable of retreading at least 500 tires per day when operated in accordance with the equipment manufacturer's specifications; and
- ii) Maintains documentation at the site which demonstrates that an average of 500 or more tires per day were retreaded at the site during the previous two calendar months.

2) Scope of exemption.

- A) The storage limitation for whole tires specified at subsection 848.202(b)(5) does not apply.
- B) The cost of removing the following is excluded from the cost estimate under Section 848.404:
 - i) All retreadable tires; and
 - ii) Up to 2000 other tires.

c) Small sites. Sites which meet the conditions of subsection (c)(1) are exempt as set out in subsection (c)(2).

1) Conditions for exemption.

- A) Size of unit. The storage unit contains no more than 500 used or waste tires.
- B) Registration. The site is operated by a tire retreader who holds a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.177 and 574.
- C) Equipment. The retreader:
 - i) Has equipment at the site which is capable of retreading at least 20 tires per day when operated in accordance with equipment manufacturer's specification; and

- ii) Maintains documentation at the site which demonstrates that an average of 20 tires per day were retreaded at the site during the previous two calendar months.
- 2) Scope of exemption. The pile separation distances specified at Section 848.202 (b)(1) and (b)(2) do not apply.
- 3) Alternate Management Standards. As a part of the contingency plan requirements of Section 848.203, the owner or operator shall develop and implement a pesticide application plan within 60 days of the effective date of these regulations to minimize the threat of mosquito breeding. Such a plan shall include mosquito inspection and control requirements.

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER m: MANAGEMENT OF SCRAP TIRES

PART 849
 MANAGEMENT OF SCRAP TIRES

Section

~~849.101 Definitions~~

~~849.102 Severability~~

~~849.103 Reporting and Record Keeping~~

~~849.104 Management Standards for Accumulations of Scrap Tires~~

~~849.105 Alternate Management Programs For Accumulations of Scrap Tires~~

~~849.106 Pesticide Application~~

~~AUTHORITY: Implementing Section 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022 and 1027)~~

~~SOURCE: Emergency rules adopted in R88-12 at 12 Ill. Reg. 8485, effective May 1, 1988, for a maximum of 150 days; emergency expired September 28, 1988; adopted in R88-24 at 13 Ill. Reg. 7949, effective June 1, 1989.~~

~~NOTE: Capitalization denotes statutory language.~~

~~Section 849.101 Definitions~~

~~Except as stated herein and unless a different meaning of a word or term is clear from its context, the definitions of words or terms as are used in this Part shall be the same as those used in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.).~~

~~"Converted Tire" means a tire which has been manufactured into a usable product other than a tire, or otherwise altered so that it is no longer capable of holding accumulations of water. Converted tires include, but are not limited to, those which have been: shredded, chopped, drilled with holes sufficient to assure drainage; slit longitudinally and stacked so as not to collect water; or wholly or partially filled with soil, cement or other material to prevent accumulation of water. "Conversion" or "converting" means an action which produces a converted tire.—~~

~~"Generation" means the creation of a scrap tire by removal of a tire from a wheel (rim).~~

~~"New Tire" means a tire which has never been placed on a motor vehicle wheel (rim) for use.—~~

~~"PERSON" IS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, STATE AGENCY, OR ANY OTHER LEGAL ENTITY, OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 3.26 of the Act.)~~

~~"Reprocessed Tire" means a tire which has been recapped, retreaded or regrooved and which has not been placed on a motor vehicle wheel (rim) since being reprocessed.—~~

~~"Scrap Tire" means a tire which has been removed from use on a motor vehicle and separated from the wheel (rim). Any tire which is not a new tire, converted tire or reprocessed tire is considered to be a scrap tire until it is placed on a motor vehicle wheel (rim).— A reprocessed or new tire which is commingled with or placed within an accumulation of scrap tires is considered to be a scrap tire. For the purposes of this Part only, a scrap tire is considered to be a waste.~~

~~"Tire" means a hollow ring, made of rubber or similar material, which is designed for placement on the wheel (rim) of a motor vehicle.~~

~~Section 849.102 — Severability~~

~~If any provision of this Part is adjudged invalid, or if the application thereof to any person or in any circumstance is~~

~~adjudged invalid, such invalidity shall not affect the validity of this Part as a whole or of any Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.~~

~~Section 849.103 — Reporting and Record Keeping~~

- ~~a) Any person subject to the requirements of Sections 849.104 or 849.105 shall by July 1, 1989, report to the Illinois Environmental Protection Agency (Agency) the information required in subsection (c).~~
- ~~b) Any person who after July 1, 1989, accumulates more than 50 scrap tires such that he is subject to the requirements of Sections 849.104 or 849.105 shall report to the Agency within 45 days of accumulation of such scrap tires the information required in subsection (c).~~
- ~~e) Information required:~~
 - ~~1) The legal name and post office address of the person making the report;~~
 - ~~2) The legal name and post office address of the owner of the site or facility and of the operator of the site or facility if the operator is a person other than the owner;~~
 - ~~3) The location of the accumulation including street address, municipality or township, county, and if appropriate, descriptions of rural locations;~~
 - ~~4) The approximate number of scrap tires at the location;~~
 - ~~5) Whether the person ships to or receives scrap tires from other locations and the estimated number of scrap tires shipped or received annually;~~
 - ~~6) What use or disposition a person makes or plans to make of the scrap tires; and~~
 - ~~7) The manner in which the accumulation is stored prior to such use or disposition.~~
 - ~~8) The location at which the written compliance plan and documentation required by Section 849.103(e) are maintained and available for inspection by the Agency.~~
- ~~d) Reports required by this Section shall be sent to:~~

~~Illinois Environmental Protection Agency~~

~~Division of Land Pollution Control
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276~~

- ~~e) Any person subject to the requirements of Sections 849.104 or 849.105 shall develop and maintain a written compliance plan to achieve compliance with those Sections for managing scrap tires to control larval and pupal mosquitoes. In addition, the person shall maintain records and manage scrap tires in such a manner as to be able to demonstrate that the compliance plan is being implemented. This activity may include but shall not be limited to the following:~~
- ~~1) Segregating treated from untreated scrap tires;~~
 - ~~2) Maintaining invoices for pesticides purchased or the services of a professional pesticide service;~~
 - ~~3) Maintaining records on the dates of periodic treatment;~~
 - ~~4) Documentation showing approval of any Alternate Management Program under Section 849.105;~~
 - ~~5) Documentation such as hauling contracts or invoices which indicate the dates on which or frequency with which scrap tires are removed from the location; or~~
 - ~~6) Such other information as may be useful or necessary to document that the plan is being implemented as planned.~~
- ~~f) The compliance plan and documentation required by subsection (e) shall be available for inspection by the Agency at reasonable times during normal business hours.~~

~~Section 849.104 Management Standards for Accumulations of Scrap Tires~~

- ~~a) This Section does not apply to scrap tires accumulated solely as a result of personal (i.e., noncommercial), agricultural, horticultural, or livestock raising activities. In addition, this Section does not apply to units of local and State government.~~
- ~~b) Except as otherwise provided in Section 849.105, between April 1 and November 1, no person shall accumulate or maintain an accumulation of more than 50 scrap tires from that person's commercial or business activities or~~

~~maintain such an accumulation on any commercial or business property unless the tires are either:~~

- ~~1) Drained of water on the day of generation or receipt and kept dry by being:

 - ~~A) Placed within a closed container or structure; or~~
 - ~~B) Covered by material impermeable to water; or~~
 - ~~C) Drained or otherwise managed so as to remove water within 24 hours after each precipitation event; or~~~~
- ~~2) Drained of water on the day of generation or receipt and processed into converted or reprocessed tires within 14 days; or~~
- ~~3) Drained of water on the day of generation or receipt and treated within 14 days, with a pesticide appropriate to prevent the development of mosquito larvae and pupae, and treated again as often as necessary to prevent such development, taking into account the persistence (effective life) of the pesticide utilized; or~~
- ~~4) Treated on the day of generation or receipt with a pesticide appropriate to prevent the development of mosquito larvae and pupae and treated again as often as necessary to prevent such development, taking into account the persistence (effective life) of the pesticide utilized.~~

~~Section 849.105 Alternate Management Programs For Accumulations of Scrap Tires~~

- ~~a) A person with an accumulation of scrap tires may employ mosquito control or management programs different than those specified in Section 849.104 if, and only if, that person files a complete plan for an alternative program with the Agency which details the control or management measures which will be taken. An alternative program is complete only if it is accompanied by a statement from the Illinois Department of Public Health that such program is expected to achieve results for control of larval and pupal mosquitoes substantially equivalent to those which would be achieved by full compliance with the requirements of Section 849.104. A person may file a plan on behalf of one or more persons for the management of a number of~~

~~different accumulations. Each person whose program is included in the plan need not file a separate plan, but must be identified in the submitted plan.~~

- ~~b) Requests for statements of substantial equivalency shall be submitted to the Illinois Department of Public Health and shall be accompanied by information sufficient to allow the Department to assess the effectiveness of the alternative program. Such requests shall be sent to:~~

~~Division of Environmental Health
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson Street
Springfield, IL 62761~~

~~Section 849.106 — Pesticide Application~~

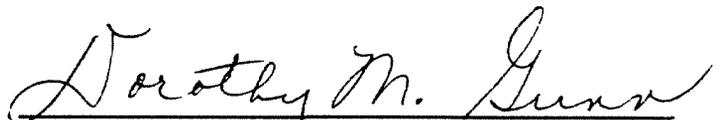
~~Persons applying pesticides to scrap tires must comply with the requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq.). Information is available from:~~

~~Illinois Department of Agriculture
Bureau of Plant & Apiary Protection
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281~~

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of August, 1991 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board