

ILLINOIS POLLUTION CONTROL BOARD
April 7, 1988

IN THE MATTER OF:)
)
MANAGING TIRE ACCUMULATIONS)
TO LIMIT THE SPREAD OF THE) R88-12
ASIAN TIGER MOSQUITO)
)
PROPOSED EMERGENCY RULE.)
REQUEST FOR PUBLIC COMMENT.)

PROPOSED OPINION AND ORDER (By. J. Marlin):

SUMMARY OF TODAY'S ACTION

The Board is proposing this "fast track" emergency rulemaking in order to discourage the spread in Illinois of the Asian Tiger Mosquito (Aedes albopictus) in Illinois. This mosquito has recently been found in three Illinois counties. The proposed regulations target the movement and accumulation of scrap tires in which the mosquito can breed; this is the primary means by which the insect is spread to new localities. The Board intends that the proposed regulations take effect prior to the beginning of the mosquito breeding season.

The Board today is adopting for distribution and public comment a draft emergency rule. The Board is scheduling a special meeting of the Board to receive testimony concerning the proposed rule. The meeting will be held on Friday, April 15, 1988, at 9:30 a.m. in the Board Room of the Metropolitan Sanitary District of Greater Chicago, at 100 East Erie Street in Chicago, Illinois. At its regularly scheduled meeting of April 21, the Board presently anticipates consideration of adoption of a final emergency rule to become effective May 1, 1988 for a period of 150 days. On the same day, the Board presently anticipates consideration of a proposal for a permanent rule to replace the short-term emergency rule.

PROCEDURAL CONCERNS

Expedited Rulemaking

As will be discussed in more detail later in this Opinion, the Tiger Mosquito is a serious disease transmitter in its native Asia. It is known to be present in limited numbers in three Illinois counties. At least two serious viral diseases which commonly occur in Illinois can be transmitted by this mosquito under laboratory conditions. In addition, one serious viral disease which is occasionally brought into Illinois is transmitted by this insect. The movement of scrap tires is the primary means of spreading this insect to new localities. Unless steps are taken to control scrap tire movement and storage, this

mosquito is expected to spread rapidly throughout Illinois. Once spread throughout the State, the mosquito will be in close proximity to reservoirs of viral diseases that it may potentially transmit to the human population. This action must be taken quickly before the 1988 mosquito breeding season begins.

Obviously, the Board's usual rulemaking proceedings, which can take a year, are inappropriate for quick response to this problem.*

Both the Act and the APA do, however, contemplate the existence of exceptional situations which can appropriately be handled only by adoption of rules in a shorter-than-usual time period. The Board believes that the Tiger Mosquito situation is one of those cases which requires expedited rulemaking.

Pursuant to Section 27(c) of the Illinois Environmental Protection Act (Act) and Section 5.02 of the Illinois Administrative Procedure Act (APA), the Board may adopt a temporary emergency rule effective for 150 days, without utilizing the usual rulemaking procedural steps. The 150 days will encompass the breeding season this year and allow time for consideration of other steps to address the situation next year.

Under Section 27(c), paragraph 2, of the Act and Section 5.02 of the APA, the Board may adopt a temporary rule which remains in effect for up to 150 days. The APA terms this an "emergency rulemaking," and defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The Board believes that the potential spread and further establishment of this insect, which is capable of transmitting a number of diseases, reasonably constitutes such a threat.**

The storage, transport, and disposal of scrap tires are a solid waste management problem. Such matters are commonly dealt with by the Board. The Board has traditionally promulgated rules

* Routine rulemaking under Section 5.01 of the APA cannot be accomplished in less than 90 days, as a rule must proceed through two 45 day notice periods. The Act establishes additional procedural requirements which may lengthen the process by a year or more.

** The Board also notes that under Section 27(c), paragraph 1, of the Act, the Board may promulgate a permanent regulation that "shall take effect without delay and the Board shall proceed with hearings and studies required by this Section while the regulation continues in effect." This procedure may be used "when the Board finds that a severe public health emergency exists." The Board does not believe that the present situation regarding the Tiger Mosquito constitutes a "severe public health emergency."

to control pests and vectors associated with solid waste. The best example is regulations to control rodents and birds associated with landfills. Other Board regulations concern the safe transportation and storage of a variety of materials. The adoption of regulations to control mosquitoes in scrap tires is consistent with the Board's other regulatory functions. The Board could not have reasonably acted in this matter before this time given that the extent of the infestation and the Tiger Mosquito's ability to survive Illinois' winters did not become known until recently. Delaying action on this matter while routine rulemaking procedures are followed would allow the mosquito to spread during the entire 1988 breeding season.

The Board is aware that other agencies and local governments are in the process of considering responses to this problem. The Board recognizes that these regulations address only one facet, albeit an important one, and welcomes the assistance of these entities in the "fine-tuning" of this proposal. The Board particularly encourages testimony at the special meeting of the Board.

Conduct of the April 15, 1988 Special Meeting

Today's proposed Opinion and Order is based on information drawn from various documents which will be entered as exhibits into the Board's rulemaking record in this proceeding. A listing of the documents and their exhibit numbers follow; these documents are available for inspection at the Board's Chicago office.

- Exh. 1) Moore, Chester G. 1986. The Centers for Disease Control's perspective of the introduction of Aedes Albopictus into the United States. J. Am. Mosq. Control Assoc. 2:416-417.
- Exh. 2) Bartnett, Robert E. 1986. The perspective of Aedes Albopictus from the administrative viewpoint. J. Am. Mosq. Control Assoc. 2:418-419.
- Exh. 3) Shroyer, Donald A. 1986. Aedes Albopictus and arboviruses: a concise review of the literature. J. Am. Mosq. Control Assoc. 2:424-428.
- Exh. 4) Hawley, W. A., S.J. Nawrocki. 1987. Estimation of the northern limits of distribution of Aedes Albopictus in North America. J. Am. Mosq. Control Assoc. 3:314-317.
- Exh. 5) Centers for Disease Control. 1987. Aedes Albopictus in the Americas: biology, distribution, and public health importance. Division of Vector-Borne Viral Diseases, Centers for Disease Control, Fort Collins, CO 80522
- Exh. 6) Centers for Disease Control. 1987. Update: Aedes Albopictus infestation--United States. Morb. Mort. Wkly. Rep. 36:769-773.

- Exh. 7) Burgess & Niple, Limited, et. al. 1987. Used tire recovery and disposal in Ohio. Ohio Environmental Protection Agency.
- Exh. 8) Letter from Richard J. Kaserman, Environmentalist-Sanitarian for the City of Massillon Health Department, to Dr. Richard Berry, Vector Borne Disease Unit, regarding passage of a tire ordinance in the City of Massillon, OH. Attached is a copy Ordinance No. 59-1987. Letter dated May 8, 1987.
- Exh. 9) Letter from Bernard J. Turnock, M.D., Illinois Department of Public Health, to Jacob Dumelle, Chairman Illinois Pollution Control Board, regarding Asian Tiger Mosquito. Letter dated March 18, 1988.
- Exh. 10) Centers for Disease Control. 1987. Imported and Indigenous Dengue Fever--United States, 1986. Morb. Mort. Wkly. Rep. 36:551-554.

In routine rulemaking proceedings, the Board is required by Section 28 of the Act to hold public hearings which must be preceded by publication of a newspaper notice 20 days in advance of the hearing date. Given the imminent start of the mosquito breeding season, the Board feels that it cannot reasonably delay adoption of a regulation until after a Section 28 hearing is held. On the other hand, the Board believes that it is prudent to solicit public comment on the rule proposed today prior to its adoption, given the proposed May 1, 1988 compliance deadline.

The Board has accordingly chosen to receive public testimony and comments at a special meeting of the Board called pursuant to Section 5 of the Act to be held on April 15. To the extent practicable, considering exigencies of time, the Board will conduct the special meeting. Consistent with its procedures for regulatory hearings (35 Ill. Adm. Code Part 102); testimony will be sworn and transcribed and cross-questioning will be permitted to the extent feasible based on the number of persons who wish to be heard.

The Board requests comment on any aspect of the proposed rule from interested parties at the meeting on April 15. Persons may present testimony and exhibits. Copies of testimony should be prepared and submitted to the Board in advance if possible. The Board would appreciate receiving eight copies for its own use and additional copies for members of the public. Witnesses should be prepared to verbally summarize the most important parts of their testimony. Persons who contact the hearing officer in advance of the meeting will be given preference. The hearing officer is John Vandlik at 217-333-5573.

Finally, the Board will make every effort to notify the affected community of the initiation of this proceeding, but obviously cannot individually contact all interested persons. The Board would appreciate the cooperation of persons, agencies, and associations who receive this Order in "spreading the news" to any others they may know who may have an interest in these proposed rules.

THE INFESTATION PROBLEM

Early in 1986, the Tiger Mosquito was discovered in Harris County, Texas and quickly spread to other Texas counties and to Louisiana. The Centers for Disease Control (CDC), Division of Vector-Borne Viral Diseases, after investigating the infestation made the following observations:

The CDC views the introduction of Ae. albopictus as a potentially serious public health problem, both for the United States and for other countries in the hemisphere; we are devoting a major portion of our time and effort to the matter.

* * *

We are strongly encouraging state and local agencies that find this species within their jurisdictions to initiate control measures against it. Eggs and larvae [mosquito young which live in water] seem to move from one area to another in shipments of used tire casings for the retreading and recycling industry. Thus, a major component in confining infestations involves the cooperation, and possible regulation, of these businesses. It is a large business, and tires are routinely shipped over long distances. Tire retreaders and recyclers need to be made aware of the seriousness of the problem and ensure that they are not helping to spread the mosquito.

(Bd. Exh. 1.)

The Tiger Mosquito is of Asian origin. It is known to transmit dog heartworm (Bd. Exh. 1) and a number of human viral diseases including dengue. Under laboratory conditions, it has been infected with other viral diseases including St. Louis encephalitis (SLE) and La Crosse encephalitis (LAC), both of which occur in Illinois. These viruses can be transmitted from a female to her eggs. SLE is normally transmitted by Culex pipiens (Northern House Mosquito) and LAC by Aedes triseriatus (Tree Hole Mosquito). Both of these species occur throughout Illinois. At this point in time the transmission of LAC and SLE to humans by the Tiger Mosquito has not been documented. (Bd. Exh. 3).

Dengue is a serious viral disease in humans which is clinically similar to measles. Dengue has been occasionally brought into Illinois by persons returning from the Carribean. According to CDC, transmission of the virus occurred in the U.S. in 1986.

Transmission in 1986 was of particular concern for two reasons. First, indigenous transmission occurred in Texas for the second time in 6 years--the last previous transmission prior to 1980 had occurred in 1945(s). Second, confirmed dengue cases were reported in areas where Ae. aegypti and Ae. albopictus, two efficient vectors of dengue, occur. The recent introduction of Ae. albopictus into the United States is of special concern because this species is an exceptionally efficient host for dengue viruses and is capable of transmitting both horizontally (human to human) and vertically (from infected female to her offspring) (3,4). Moreover, Ae. albopictus has become established in northern as well as southern states (5). The presence of this species increases the potential for more widely distributed secondary transmission and for the maintenance of dengue viruses in the United States. CDC is currently collaborating with state health departments to improve surveillance for both the introduction of dengue virus and for the presence of the mosquito vectors.

(Bd. Exh. 10).

SLE is a viral disease which causes inflammation of the human central nervous system. Disease symptoms appear in infected persons of all ages, but are most severe in the elderly. Symptoms include headache, fever, stiff neck, drowsiness, lethargy, nausea and vomiting, mental confusion, and sometimes seizures and death. Mortality rates range as high as 30 percent of diagnosed cases. During a 1975 epidemic in Ohio, 29 of 416 infected people died. The average age of those who died was 70 years. (Bd. Exh. 7). SLE is well established in Illinois.

LAC has similar symptoms to SLE. Children are most at risk of contracting this disease. The mean age of 618 infected persons in Ohio between 1963 and 1985 was slightly less than nine years. Five of the cases were fatal. (Bd. Exh. 7). LAC is well established in Illinois.

In 1987, CDC said the following regarding the potential relationship between LAC and the Tiger Mosquito:

La Crosse encephalitis is the second most common form of mosquito-borne encephalitis in the U.S. La Crosse (LAC) virus, a member of the California serogroup of viruses, is distributed throughout the eastern U.S. and is especially common in hardwood forest areas of the upper Mississippi and Ohio River valleys. It is transmitted primarily in a transovarial infection cycle in Ae. triseriatus, with seasonal amplification in small mammals. Humans typically encounter the virus in heavily wooded suburban or rural environments. Probably because of a stable vector-virus cycle, there is a rather constant annual number of about 75 human cases (range of 30 to 60 cases) reported to CDC.

Laboratory studies have shown that Ae. albopictus is an efficient vector of LAC virus. It also transovarially transmits the virus. If Ae. albopictus becomes involved in the LAC virus cycle in the eastern U.S., the epidemiology of the disease might be dramatically altered. First, such a new (and presumably less stable) vector-virus relationship could result in greater year-to-year fluctuation in numbers of cases. Second, Ae. albopictus is better adapted than Ae. triseriatus to urban environments. An urban LAC virus cycle would lead to increased man-mosquito contact and, therefore, increased virus transmission. Third, involvement of Ae. albopictus could result in increased LAC virus activity in the southeastern U.S.

(Bd. Exh. 5).

Unlike many Illinois mosquitos that are active in the evening, the Tiger Mosquito is a day biter. It is active when people are about their work and play. It has a reputation as a particularly noxious pest because of its bite (Bd. Ex. 3). It is well adapted to human habits and breeds in tires, bottles, jars, plugged gutters, and most other small water-filled containers. This close association with man makes it potentially more dangerous than many other species.

The Tiger Mosquito was found in Illinois in small areas of Jefferson and St. Clair Counties in 1986 and in one location in Cook County in 1987. (Bd. Exh. 6). The infestations were in piles of used tires. Used tires also provide excellent breeding areas for the Nothern House Mosquito and the Tree Hole Mosquito as well as Aedes aegypti (Yellow Fever Mosquito). (Bd. Exh. 7).

The presence of the Tiger Mosquito in isolated tire piles in two urban and one rural county provides the State with the opportunity to slow or stop its spread. Eradication would be desirable, but is unlikely. Given this insect's ability to spread disease and its annoying bite, it is in the public interest to take steps to control its spread. This is particularly true if the mosquito proves capable of transmitting LAC in the field. The virus is largely in rural and suburban areas. The mosquito is currently in isolated urban areas. To allow the mosquito and the virus to come together due to inaction is ill advised at best.

The Board believes that slowing or halting the spread of the Tiger Mosquito will protect many Illinois communities from both its annoying bite and potential health threats. Any time bought for a community by this action can be used by public officials to determine the true extent of the health threat and to prepare appropriate control efforts.

Control of the Tiger Mosquito requires a three-phased effort. First, the spread to new areas must be stopped. Second, new infestations must be attacked. Third, breeding habitat in infested areas must be reduced. As of June of 1987 CDC recommended the following:

Preventing introduction. The primary role of introduction of Ae. albopictus appears to be through the movement of tires--within states, between states, and between counties. If this movement of infested tires can be halted, the spread of Ae. albopictus can be stopped or greatly reduced. As long as tires are stored and shipped dry, there will be no problem with Ae. albopictus or any other mosquito. Thus, regulations requiring proper storage and shipment should be prepared and enforced. Tire casings coming from an infested area can be treated by heat (dry or steam, 120 F for 30 minutes) or by fumigation (methyl bromide, 2 lb./1,000 cu. ft. for 24 hours). Both methods will kill eggs as long as the tires are dry, but methyl bromide will not kill eggs submerged in water (except at very high dosages); thus, it is imperative that tires be dry before fumigation. Scrap tires, which have little or no commercial value, should be rendered unsuitable for mosquito breeding by shredding and burning, burying, or other environmentally sound means. When scrap tires are simply transported out of the jurisdiction and dumped, an infestation can be spread quickly.

Control of existing infestations. The primary method of control for Ae. albopictus should be source reduction--that is, removal of potential breeding sites. Container habitats, such as tires, tin cans, etc., should be properly disposed of. Breeding sites that cannot be removed should be rendered inaccessible to ovipositing mosquitoes or incapable of holding water (e.g., by storing under cover, installing drain holes, etc.). A strong community awareness and education program is necessary to accomplish thorough source reduction and to maintain community cleanliness. Frequently, public service organizations and clubs can have a major impact on community awareness.

Chemical control (larvicides, adulticides) can be employed as a supplement to a properly designed source reduction effort. However, Ae. albopictus has already been found to be tolerant to malathion, temephos, and bendiocarb. There are technical problems in getting sufficient quantities of larvicides into containers such as tires in piles, and the cost of treating scattered container habitats in urban areas can be prohibitive.

(Bd. Exh. 5).

The Ohio Environmental Protection Agency sponsored a study of Used Tire Recovery and Disposal in Ohio in 1987 (Bd. Exh. 7). That report pointed out that used tires are an ever increasing solid waste disposal problem given that whole tires are considered undesirable by landfills and do not degrade over time. About one used tire is generated per capita per year and they are accumulating at an alarming rate. Abandoned tire piles are a fire hazard and tire fires are most difficult to combat when tires are piled haphazardly. The report documented the generation and disposition of used tires in Ohio and contains the following summary:

Of the 14.7 million used tires generated annually in Ohio, 1.3 million are recapped, 0.8 million are graded out for reuse, and 0.4 million are going to other uses. Of the remaining 12.2 million entering the scrap stream in Ohio annually, 2.5 million are disposed of in landfills, 1.0 million are incinerated for energy recovery, 1.1 million are processed through the rubber reclaim industry in-state, 0.52 million are shredded with the shredded product being marketed or

landfilled, 0.3 million (bias-ply truck casings only) are utilized in the manufacturing of fabricated rubber products, 0.4 million are consumed by farm or other uses (i.e., brush burning, erosion control, construction uses, etc.), and 0.75 million are transported out-of-state for recycling, reuse, or disposal. Subsequently, a total of 54 percent (6.6 million) of the total scrap casings generated in Ohio are being recycled, reused, or disposed of properly, leaving 46 percent (5.6 million) unaccounted for. Based upon survey results, an estimated 0.6 million casings are being indiscriminantly dumped (into ravines, abandoned coal strip pits, etc.) admittedly, and 0.74 million scrap casings are being stockpiled, totaling to only 11 percent of the scrap generated in Ohio. Obviously, there is a large percentage (35 percent) of scrap tires which are also most likely being indiscriminantly dumped or stockpiled.

* * *

Information collected during this study indicates that there are a minimum of 28 million tires stockpiled in larger piles (greater than 500,000 tires) throughout Ohio. It is important to emphasize that this number is exclusive of innumerable piles ranging in size from 500 to 500,000 casings which are scattered across Ohio in need of abatement, with particularly high concentrations in the rural southeastern portion of the State. Consequently, the total number of tires present in all stockpiles and illegal dump sites in Ohio greatly exceeds 28 million.

(Bd. Exh. 7, pp. 39 and 52)

The Ohio Study went into great detail on the association of discarded tires and mosquitoes. It pointed out that the Tree Hole Mosquito's population in nature is controlled by available habitat (tree holes which are limited in number). However, tire piles provide artificial habitat allowing populations to build, increasing the chance of humans being bitten. The Tiger Mosquito is quite similar to the Tree Hole Mosquito in this respect, although it is already adapted to man's artificial containers. The Ohio Department of Health (ODH) has documented the direct association of human cases of LAC with Tree Hole Mosquitoes breeding in "indiscriminately dumped or improperly stored scrap tires."

The Tiger Mosquito lays its eggs above the waterline in containers. The eggs hatch when the water level rises and wets the eggs. The eggs can survive more than a year in a dry container. The result is that shipped tires can carry viable eggs even when shipped dry. If tires are never allowed to accumulate water, the mosquito will not lay eggs in them. Likewise, eggs in a tire that is drained and kept dry will not hatch.

The mosquito is also transported in water filled tires that contain larvae. During transport, the larvae can continue development and become adults. When this happens, the adults can fly from trucks along the route. Draining tires before shipment kills the larvae and prevents the spread of adults during transport.

Although some aspects of the Ohio study are not directly applicable to Illinois, much of the general information on tire use and disposal and the mosquito problem can provide an idea of the general situation in Illinois given the similarities of the two states.

A number of municipalities have taken steps to control the accumulations. The ordinance of Massillon, Ohio, is contained in Board Exhibit 8. The Houston area has seen a considerable reduction in tire dumps according to a mosquito control official:

We are currently trying to answer many of the questions posed by these circumstances. We have just completed a "windshield" survey of an area of the city where a 1980 survey found over 2,000 used tire dumps. In 1986, we counted about one-tenth that number, a significant reduction. We have been instrumental in working with the City of Houston in the development of a tire hauling and storage ordinance which is apparently beginning to show good results. Houston requested that we provide them with a copy of the sites where we recently found tire dumps so that they can take additional action. The public information provided to the local news media is partly responsible for the instigation of the calls being made to the city requesting that they take action on tire dumps. An important consideration in removing tires is how to dispose of them. In Houston, many used tire dealers are grinding up tires for other uses. On April 1, 1986, a new tire facility capable of grinding up 3,000 tires per hour started operation, and is not charging for disposal since they are selling the rubber for a fuel source. The tire dumps are now beginning to call the

piles of used tires "inventory." Competition may even require that the grinding plants purchase or haul tires to their plants as the large stockpiles disappear and particularly if the demand for this fuel source increases.

(Bd. Exh. 2).

It is apparent that the transport of used and discarded tires is the primary means of dispersing the Tiger Mosquito as well as the point of initial infestation and population build up. This Board intends to address these factors during the 1988 mosquito breeding season.

The most sensible approach to this problem would begin with the federal government restricting the interstate movement of used tires that have not been certified as being dry, clean, and free of insects. The federal government has required this as of January 1, 1988 for used tire casings coming from Asia (Bd. Exh. 6). This was after the Tiger Mosquito was well established in the Gulf States. Until such a regulation covers interstate shipments, infested tires will continue to cross state lines.

THE BOARD'S PROPOSED RULE

The Board's proposed rule includes identifying tire piles within the State and requiring generators and receivers of used tires to keep them dry or unsuitable for mosquito breeding.

The definitions section contains some definitions drawn from the Act and Part 807. It also sets forth the meaning of special terms used in the rule. A scrap tire is basically a tire that has been removed from the wheel of a motor vehicle and is not suitable to again be placed on a motor vehicle. A scrap tire is "generated" or becomes a scrap tire at the time and place it is removed from a wheel. Scrap tires are commonly generated by tire dealers, and at gas stations and department stores.

The reporting requirement will generate a data base on the location and size of tire accumulations in the State. This will allow state and local officials to more readily assess the extent of the infestation in the State. It will also provide a good idea of the magnitude of the effort needed to address the solid waste problem caused by abandoned tires.

Section 830.120 is intended to place conditions on the storage and transport of scrap tires which became scrap tires (are "generated") after May 31, 1988; and on any scrap tires which are shipped or received after May 31, 1988. This Section deliberately excludes scrap tires which were stored or stockpiled before May 31, 1988. In the long run it may be desirable to address these scap tires, however, it is the movement of scrap tires which is spreading the mosquito. Newly generated scrap tires are included since they are being currently handled and can

be readily be properly stored to prevent the development of mosquitoes. This will prevent magnification of the current problem of large accumulations of stored tires. The Board does not have enough information at this time to address existing large scrap tire piles.

Persons receiving used tires from any source, especially out of state, will be required to drain them or otherwise prevent their accumulating water. This will prevent the development of larvae. Draining can be accomplished by dipping the water out, using a suction device or physically cutting or shredding the tire. Operations which are active reclaimers or recyclers or disposers may substitute an insect treatment program for dry storage. Treatment for the control of mosquito larvae may include the use of a number of pesticides or toxicants. The pesticides must be properly applied and caution should be used to avoid those that the Tiger Mosquito has developed a high degree of resistance to. Treatment must occur often enough to remain effective during the warm weather portion of the year. The selected pesticide or toxicant must also be able to penetrate the tire piles and reach the insides of stored tires. Information on these matters is requested.

The time frames in Section 830.120 are intended to require certain actions quickly enough to deny mosquito larvae time to develop. For example a newly generated tire which is "converted" six days after being removed from a wheel is unlikely to produce adult mosquitoes. Section 830.120 c) provides several options for scrap tires received after May 31, 1988. This recognizes that some scrap tire processors and converters will find it impossible to store tires in the dry. These persons may treat the tires on the day of receipt. This is necessary because some tires received, especially those from out of state, may contain water with larvae. If it is not practical to treat within one day, tires may be drained upon receipt and treated within six days. The six days are presumed to be too short a time for the development of adults.

The Board realizes that an ideal program would require that all tires be properly stored or disposed no matter where they are or when they were received. Any unit of local government with appropriate authority can take additional steps to control any existing or potential infestation. A city with an infested pile within its jurisdiction could treat the pile itself or require the owner to properly store or dispose an accumulation. Given that most accumulations in the State are not likely to be infested, leaving further immediate action to the local authorities makes sense. They will be able to take action appropriate to local conditions. At a future date, legislation or a permanent rule can address other possibilities.

The Board also believes that local authorities can best control the breeding sites in neighborhoods. Public education and local efforts will have the best chance of controlling

discarded containers near homes and schools that the Tiger Mosquito needs to spread from large tire piles.

The Board notes that any effort to slow the spread of the Tiger Mosquito by eliminating discarded tire piles will have other benefits. According to the IDPH, cleaning up tires will help control the Tree Hole Mosquito and Northern House Mosquito both of which currently spread disease in Illinois (Bd. Exh. 9).

SPECIFIC REQUEST FOR COMMENT

The Board requests comment on the proposed rule from any interested persons. The Board is particularly interested in information or viewpoints on the following topics:

- 1) Does the potential spread of the Tiger Mosquito reasonably constitute a threat to the public interest, safety, or welfare?
- 2) Do any of the Tiger Mosquito's characteristics render it a potentially greater threat than existing Illinois mosquitoes?
- 3) If implemented, will the provisions of the proposed rule help slow or stop the spread of the Tiger Mosquito?
- 4) What additional measures would help?
- 5) Is it possible to erradicate the Tiger Mosquito in any part of the State?
- 6) What type of pesticide use, if any, will be effective in controlling the Tiger Mosquito in tire piles?
- 7) What measures, if any, should be taken to control adult mosquitoes?
- 8) In areas where the Tiger Mosquito is established, will removing scrap tires effectively reduce or limit the population.
- 9) Are the proposed timeframes for treating tires to control mosquito larvae development reasonable?
- 10) Will elimination of scrap tires as breeding habitat for the Tiger Mosquito have a beneficial effect in the control of other insect pests?
- 11) Should the regulations be different for small (less than 100) and large (over 100) tire accumulations?
- 12) How difficult (in terms of time and expense) is it to drain tires at both small dealerships and large tire handling facilities?

- 13) Is it reasonable to expect tires to be kept covered or indoors?
- 14) What is the availability of tire converting equipment such as shreaders and slitters?
- 15) How do tire distributors currently dispose of scrap tires?
- 16) What is the magnitude of the solid waste problem caused by scrap tires.
- 17) What market exists in Illinois for using scrap or converted tires.
- 18) Are the definitions in the proposed rule adequate.
- 19) Can Section 830.120 c) legally apply to tires of any origin including out of state?

ORDER

The Board solicits public comment on the following proposed emergency rule:

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

PART 830
 SCRAP TIRES

Section

- 830.101 Definitions
- 830.110 Reporting of Scrap Tires and Their Disposition
- 830.120 Storage and Transport of Scrap Tires

Authority: Implementing Section 22 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022 and 1027)

(Source: Emergency rules adopted in R88-12 at 12 Ill. Reg. , effective May 1, 1988, for a maximum of 150 days.)

Section 830.101 Definitions

Except hereinafter stated, 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.

"Converted tire" means a tire which has been altered so that it is no longer capable of holding accumulations of rainwater. Converted tires include but are not limited to tires which have been: shredded; chopped; converted to playground use by fixing into position and drilling holes of sufficient size to allow drainage; or, filled with cement or similar material.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water or into any well so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. As used in this Part, "disposal" includes methods of storage or treatment in which there is no certain plan to remove wastes or waste residues from the storage or treatment location to another location for ultimate disposal.

"Salvaging" means the return of waste materials to beneficial use.

"Scrap tire" means a tire which is unsuitable for use on a motor vehicle because of a defect, damage or wear. For the purposes of this Part only, all scrap tires are considered to be wastes. A tire which is destined for capping, retreading or other processing is a scrap tire until it is suitable for use on a motor vehicle. A tire which is not on a motor vehicle wheel and which has less than 1/16 inch of tread is assumed to be a scrap tire, unless the owner of the tire places it on a motor vehicle wheel. A converted tire is not a scrap tire.

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such waste.

"Tire" A hollow ring, made of rubber or similar material, which is intended to be placed on the wheel of a motor vehicle, and which, when stored or discarded, is capable of holding accumulations of water.

"Treatment" means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste or so as to render such waste safer for transport, amenable for storage or reduced in volume.

Section 830.110 Reporting of Scrap Tire Piles and Disposition

- a) On or before July 1, 1988, any person who accumulates more than 100 scrap tires for treatment, storage, disposal or salvaging during the conduct of business shall report the following information to the Agency:

- 1) The legal name and post office address of the owner of the business or person making the report,
 - 2) The location of the accumulation including street address, municipality or township, county, and if appropriate, descriptions of rural locations,
 - 3) The approximate number of scrap tires at the location,
 - 4) Whether the person ships or receives scrap tires to or from other locations,
 - 5) What use or disposition the person makes of the scrap tires, and
 - 6) The manner in which the accumulation is stored prior to treatment, disposal, or salvaging.
- b) On or before July 1, 1988 any person who owns property which contains an accumulation of 100 or more scrap tires for treatment, storage, disposal or salvaging shall report the following information to the Agency:
- 1) The legal name and post office address of the person making the report,
 - 2) The location of the accumulation including street address, municipality or township, county, and if appropriate, descriptions of rural locations.
 - 3) The approximate number of scrap tires at the location,
 - 4) Whether the person ships or receives scrap tires to or from other locations,
 - 5) What use or disposition the person makes or plans to make of the scrap tires, and
 - 6) The manner in which the accumulation is stored prior to treatment, disposal, or salvaging.
- c) Reports required by this Section shall be sent to:
- Illinois Environmental Protection Agency
 Division of Land Pollution Control
 2200 Churchill Road
 Springfield, IL 62794-9276

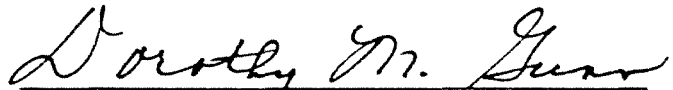
Section 830.120 Storage and Transport of Scrap Tires

- a) This Section applies only to accumulations of scrap tires generated, transported or received on and after May 1, 1988.
- b) No person shall store tires which became scrap tires on and after May 1, 1988, or store scrap tires received on and after May 1, 1988 unless the tires are:
 - 1) Drained of water on the day of generation or receipt and placed indoors or covered in such a manner as to prevent the accumulation of water; or
 - 2) Drained water on the day of generation or receipt and processed into converted tires within six days; or;
 - 3) Drained of water on the day of generation or receipt and treated for the control of mosquito larvae within six days and as often thereafter as is necessary to prevent the development of mosquito larvae.
- c) No person shall transport scrap tires in Illinois on and after May 1, 1988 unless the tires are:
 - 1) Drained of water; and
 - 2) Covered to prevent the accumulation of water during transport.

IT IS SO ORDERED

Board Member's J.D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Proposed Opinion and Order was adopted on the 7th day of April, 1988 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board