



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1969

Introduced 2/10/2017, by Sen. Scott M. Bennett

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/55	from Ch. 111 1/2, par. 1055
415 ILCS 5/55.6	from Ch. 111 1/2, par. 1055.6
415 ILCS 5/55.6a	

Amends the Environmental Protection Act. Makes changes to a provision prohibiting persons from causing or allowing water to accumulate in used or waste tires. Provides an exception for residential households that keep no more than 4 (rather than 12) used or waste tires at the site if they are covered and kept dry. Changes the maximum amount of money that may be allocated from the Used Tire Management Fund for specified purposes from \$2,000,000 per fiscal year to \$4,000,000 per fiscal year. Provides that 10% of allocations from the Used Tire Management Fund shall be allocated to the University of Illinois for the Prairie Research Institute (rather than to the Department of Natural Resources for the Illinois Natural History Survey) for specified research purposes. Provides that moneys in excess of \$4,000,000 (rather than \$2,000,000) per fiscal year from the Used Tire Management Fund shall be used for specified purposes. Provides that a specified amount of the moneys in excess of \$4,000,000 per year from the Used Tire Management Fund shall be used to provide grants to public universities for vector-related research, disease-related research, and for related laboratory-based equipment and field-based equipment. Provides that \$300,000 from the Emergency Public Health Fund shall be allocated annually to the University of Illinois (rather than the Department of Natural Resources) for specified research purposes. Effective immediately.

LRB100 08055 MJP 18140 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Sections 55, 55.6, and 55.6a as follows:

6 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

7 Sec. 55. Prohibited activities.

8 (a) No person shall:

9 (1) Cause or allow the open dumping of any used or  
10 waste tire.

11 (2) Cause or allow the open burning of any used or  
12 waste tire.

13 (3) Except at a tire storage site which contains more  
14 than 50 used tires, cause or allow the storage of any used  
15 tire unless the tire is altered, reprocessed, converted,  
16 covered, or otherwise prevented from accumulating water.

17 (4) Cause or allow the operation of a tire storage site  
18 except in compliance with Board regulations.

19 (5) Abandon, dump or dispose of any used or waste tire  
20 on private or public property, except in a sanitary  
21 landfill approved by the Agency pursuant to regulations  
22 adopted by the Board.

23 (6) Fail to submit required reports, tire removal

1 agreements, or Board regulations.

2 (b) (Blank.)

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

1     slitting, chopping, reuse, reprocessing, or other alternative  
2     use of the used or waste tire impractical or infeasible, then  
3     the sanitary landfill, after authorization by the Agency, may  
4     accept the used or waste tire for disposal.

5             Sanitary landfills and facilities for reuse, reprocessing,  
6     or converting, including use as alternative fuel, shall (i)  
7     notify the Illinois Industrial Materials Exchange Service of  
8     the availability of and demand for used or waste tires and (ii)  
9     consult with the Department of Commerce and Economic  
10    Opportunity regarding the status of marketing of waste tires to  
11    facilities for reuse.

12            (c) Any person who sells new or used tires at retail or  
13    operates a tire storage site or a tire disposal site which  
14    contains more than 50 used or waste tires shall give notice of  
15    such activity to the Agency. Any person engaging in such  
16    activity for the first time after January 1, 1990, shall give  
17    notice to the Agency within 30 days after the date of  
18    commencement of the activity. The form of such notice shall be  
19    specified by the Agency and shall be limited to information  
20    regarding the following:

- 21            (1) the name and address of the owner and operator;
- 22            (2) the name, address and location of the operation;
- 23            (3) the type of operations involving used and waste  
24    tires (storage, disposal, conversion or processing); and
- 25            (4) the number of used and waste tires present at the  
26    location.

1 (d) Beginning January 1, 1992, no person shall cause or  
2 allow the operation of:

3 (1) a tire storage site which contains more than 50  
4 used tires, unless the owner or operator, by January 1,  
5 1992 (or the January 1 following commencement of operation,  
6 whichever is later) and January 1 of each year thereafter,  
7 (i) registers the site with the Agency, except that the  
8 registration requirement in this item (i) does not apply in  
9 the case of a tire storage site required to be permitted  
10 under subsection (d-5), (ii) certifies to the Agency that  
11 the site complies with any applicable standards adopted by  
12 the Board pursuant to Section 55.2, (iii) reports to the  
13 Agency the number of tires accumulated, the status of  
14 vector controls, and the actions taken to handle and  
15 process the tires, and (iv) pays the fee required under  
16 subsection (b) of Section 55.6; or

17 (2) a tire disposal site, unless the owner or operator  
18 (i) has received approval from the Agency after filing a  
19 tire removal agreement pursuant to Section 55.4, or (ii)  
20 has entered into a written agreement to participate in a  
21 consensual removal action under Section 55.3.

22 The Agency shall provide written forms for the annual  
23 registration and certification required under this subsection  
24 (d).

25 (d-4) On or before January 1, 2015, the owner or operator  
26 of each tire storage site that contains used tires totaling

1 more than 10,000 passenger tire equivalents, or at which more  
2 than 500 tons of used tires are processed in a calendar year,  
3 shall submit documentation demonstrating its compliance with  
4 Board rules adopted under this Title. This documentation must  
5 be submitted on forms and in a format prescribed by the Agency.

6 (d-5) Beginning July 1, 2016, no person shall cause or  
7 allow the operation of a tire storage site that contains used  
8 tires totaling more than 10,000 passenger tire equivalents, or  
9 at which more than 500 tons of used tires are processed in a  
10 calendar year, without a permit granted by the Agency or in  
11 violation of any conditions imposed by that permit, including  
12 periodic reports and full access to adequate records and the  
13 inspection of facilities, as may be necessary to ensure  
14 compliance with this Act and with regulations and standards  
15 adopted under this Act.

16 (d-6) No person shall cause or allow the operation of a  
17 tire storage site in violation of the financial assurance rules  
18 established by the Board under subsection (b) of Section 55.2  
19 of this Act. In addition to the remedies otherwise provided  
20 under this Act, the State's Attorney of the county in which the  
21 violation occurred, or the Attorney General, may, at the  
22 request of the Agency or on his or her own motion, institute a  
23 civil action for an immediate injunction, prohibitory or  
24 mandatory, to restrain any violation of this subsection (d-6)  
25 or to require any other action as may be necessary to abate or  
26 mitigate any immediate danger or threat to public health or the

1 environment at the site. Injunctions to restrain a violation of  
2 this subsection (d-6) may include, but are not limited to, the  
3 required removal of all tires for which financial assurance is  
4 not maintained and a prohibition against the acceptance of  
5 tires in excess of the amount for which financial assurance is  
6 maintained.

7 (e) No person shall cause or allow the storage, disposal,  
8 treatment or processing of any used or waste tire in violation  
9 of any regulation or standard adopted by the Board.

10 (f) No person shall arrange for the transportation of used  
11 or waste tires away from the site of generation with a person  
12 known to openly dump such tires.

13 (g) No person shall engage in any operation as a used or  
14 waste tire transporter except in compliance with Board  
15 regulations.

16 (h) No person shall cause or allow the combustion of any  
17 used or waste tire in an enclosed device unless a permit has  
18 been issued by the Agency authorizing such combustion pursuant  
19 to regulations adopted by the Board for the control of air  
20 pollution and consistent with the provisions of Section 9.4 of  
21 this Act.

22 (i) No person shall cause or allow the use of pesticides to  
23 treat tires except as prescribed by Board regulations.

24 (j) No person shall fail to comply with the terms of a tire  
25 removal agreement approved by the Agency pursuant to Section  
26 55.4.

1 (k) No person shall:

2 (1) Cause or allow water to accumulate in used or waste  
3 tires. The prohibition set forth in this paragraph (1) of  
4 subsection (k) shall not apply to used or waste tires  
5 located at a residential household, as long as not more  
6 than 4 ~~12~~ used or waste tires at the site are covered and  
7 kept dry ~~located at the site~~.

8 (2) Fail to collect a fee required under Section 55.8  
9 of this Title.

10 (3) Fail to file a return required under Section 55.10  
11 of this Title.

12 (4) Transport used or waste tires in violation of the  
13 registration and vehicle placarding requirements adopted  
14 by the Board.

15 (Source: P.A. 98-656, eff. 6-19-14.)

16 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)  
17 Sec. 55.6. Used Tire Management Fund.

18 (a) There is hereby created in the State Treasury a special  
19 fund to be known as the Used Tire Management Fund. There shall  
20 be deposited into the Fund all monies received as (1) recovered  
21 costs or proceeds from the sale of used tires under Section  
22 55.3 of this Act, (2) repayment of loans from the Used Tire  
23 Management Fund, or (3) penalties or punitive damages for  
24 violations of this Title, except as provided by subdivision  
25 (b) (4) or (b) (4-5) of Section 42.



1 (b) Beginning January 1, 1992, in addition to any other  
2 fees required by law, the owner or operator of each site  
3 required to be registered or permitted under subsection (d) or  
4 (d-5) of Section 55 shall pay to the Agency an annual fee of  
5 \$100. Fees collected under this subsection shall be deposited  
6 into the Environmental Protection Permit and Inspection Fund.

7 (c) Pursuant to appropriation, monies up to an amount of \$4  
8 ~~\$2~~ million per fiscal year from the Used Tire Management Fund  
9 shall be allocated as follows:

10 (1) 38% shall be available to the Agency for the  
11 following purposes, provided that priority shall be given  
12 to item (i):

13 (i) To undertake preventive, corrective or removal  
14 action as authorized by and in accordance with Section  
15 55.3, and to recover costs in accordance with Section  
16 55.3.

17 (ii) For the performance of inspection and  
18 enforcement activities for used and waste tire sites.

19 (iii) To assist with marketing of used tires by  
20 augmenting the operations of an industrial materials  
21 exchange service.

22 (iv) To provide financial assistance to units of  
23 local government for the performance of inspecting,  
24 investigating and enforcement activities pursuant to  
25 subsection (r) of Section 4 at used and waste tire  
26 sites.

1 (v) To provide financial assistance for used and  
2 waste tire collection projects sponsored by local  
3 government or not-for-profit corporations.

4 (vi) For the costs of fee collection and  
5 administration relating to used and waste tires, and to  
6 accomplish such other purposes as are authorized by  
7 this Act and regulations thereunder.

8 (vii) To provide financial assistance to units of  
9 local government and private industry for the purposes  
10 of:

11 (A) assisting in the establishment of  
12 facilities and programs to collect, process, and  
13 utilize used and waste tires and tire-derived  
14 materials;

15 (B) demonstrating the feasibility of  
16 innovative technologies as a means of collecting,  
17 storing, processing, and utilizing used and waste  
18 tires and tire-derived materials; and

19 (C) applying demonstrated technologies as a  
20 means of collecting, storing, processing, and  
21 utilizing used and waste tires and tire-derived  
22 materials.

23 (2) For fiscal years beginning prior to July 1, 2004,  
24 23% shall be available to the Department of Commerce and  
25 Economic Opportunity for the following purposes, provided  
26 that priority shall be given to item (A):

1 (A) To provide grants or loans for the purposes of:

2 (i) assisting units of local government and  
3 private industry in the establishment of  
4 facilities and programs to collect, process and  
5 utilize used and waste tires and tire derived  
6 materials;

7 (ii) demonstrating the feasibility of  
8 innovative technologies as a means of collecting,  
9 storing, processing and utilizing used and waste  
10 tires and tire derived materials; and

11 (iii) applying demonstrated technologies as a  
12 means of collecting, storing, processing, and  
13 utilizing used and waste tires and tire derived  
14 materials.

15 (B) To develop educational material for use by  
16 officials and the public to better understand and  
17 respond to the problems posed by used tires and  
18 associated insects.

19 (C) (Blank).

20 (D) To perform such research as the Director deems  
21 appropriate to help meet the purposes of this Act.

22 (E) To pay the costs of administration of its  
23 activities authorized under this Act.

24 (2.1) For the fiscal year beginning July 1, 2004 and  
25 for all fiscal years thereafter, 23% shall be deposited  
26 into the General Revenue Fund.

1           (3) 25% shall be available to the Illinois Department  
2 of Public Health for the following purposes:

3           (A) To investigate threats or potential threats to  
4 the public health related to mosquitoes and other  
5 vectors of disease associated with the improper  
6 storage, handling and disposal of tires, improper  
7 waste disposal, or natural conditions.

8           (B) To conduct surveillance and monitoring  
9 activities for mosquitoes and other arthropod vectors  
10 of disease, and surveillance of animals which provide a  
11 reservoir for disease-producing organisms.

12           (C) To conduct training activities to promote  
13 vector control programs and integrated pest management  
14 as defined in the Vector Control Act.

15           (D) To respond to inquiries, investigate  
16 complaints, conduct evaluations and provide technical  
17 consultation to help reduce or eliminate public health  
18 hazards and nuisance conditions associated with  
19 mosquitoes and other vectors.

20           (E) To provide financial assistance to units of  
21 local government for training, investigation and  
22 response to public nuisances associated with  
23 mosquitoes and other vectors of disease.

24           (4) 2% shall be available to the Department of  
25 Agriculture for its activities under the Illinois  
26 Pesticide Act relating to used and waste tires.

1           (5) 2% shall be available to the Pollution Control  
2 Board for administration of its activities relating to used  
3 and waste tires.

4           (6) 10% shall be available to the University of  
5 Illinois ~~Department of Natural Resources~~ for the Prairie  
6 Research Institute ~~Illinois Natural History Survey~~ to  
7 perform research to study the biology, distribution,  
8 population ecology, and biosystematics of tire-breeding  
9 arthropods, especially mosquitoes, and the diseases they  
10 spread.

11           (d) By January 1, 1998, and biennially thereafter, each  
12 State agency receiving an appropriation from the Used Tire  
13 Management Fund shall report to the Governor and the General  
14 Assembly on its activities relating to the Fund.

15           (e) Any monies appropriated from the Used Tire Management  
16 Fund, but not obligated, shall revert to the Fund.

17           (f) In administering the provisions of subdivisions (1),  
18 (2) and (3) of subsection (c) of this Section, the Agency, the  
19 Department of Commerce and Economic Opportunity, and the  
20 Illinois Department of Public Health shall ensure that  
21 appropriate funding assistance is provided to any municipality  
22 with a population over 1,000,000 or to any sanitary district  
23 which serves a population over 1,000,000.

24           (g) Pursuant to appropriation, monies in excess of \$4 ~~\$2~~  
25 million per fiscal year from the Used Tire Management Fund  
26 shall be used as follows:

1           (1) 55% shall be available to the Agency for the  
2 following purposes, provided that priority shall be given  
3 to subparagraph (A):

4           (A) To undertake preventive, corrective or renewed  
5 action as authorized by and in accordance with Section  
6 55.3 and to recover costs in accordance with Section  
7 55.3.

8           (B) To provide financial assistance to units of  
9 local government and private industry for the purposes  
10 of:

11           (i) assisting in the establishment of  
12 facilities and programs to collect, process, and  
13 utilize used and waste tires and tire-derived  
14 materials;

15           (ii) demonstrating the feasibility of  
16 innovative technologies as a means of collecting,  
17 storing, processing, and utilizing used and waste  
18 tires and tire-derived materials; and

19           (iii) applying demonstrated technologies as a  
20 means of collecting, storing, processing, and  
21 utilizing used and waste tires and tire-derived  
22 materials.

23           (C) To provide grants to public universities for  
24 vector-related research, disease-related research, and  
25 for related laboratory-based equipment and field-based  
26 equipment.

1           (2) For fiscal years beginning prior to July 1, 2004,  
2           45% shall be available to the Department of Commerce and  
3           Economic Opportunity to provide grants or loans for the  
4           purposes of:

5                   (i) assisting units of local government and  
6                   private industry in the establishment of facilities  
7                   and programs to collect, process and utilize waste  
8                   tires and tire derived material;

9                   (ii) demonstrating the feasibility of innovative  
10                   technologies as a means of collecting, storing,  
11                   processing, and utilizing used and waste tires and tire  
12                   derived materials; and

13                   (iii) applying demonstrated technologies as a  
14                   means of collecting, storing, processing, and  
15                   utilizing used and waste tires and tire derived  
16                   materials.

17           (3) For the fiscal year beginning July 1, 2004 and for  
18           all fiscal years thereafter, 45% shall be deposited into  
19           the General Revenue Fund.

20           (Source: P.A. 98-656, eff. 6-19-14.)

21           (415 ILCS 5/55.6a)

22           Sec. 55.6a. Emergency Public Health Fund.

23           (a) Beginning on July 1, 2003, moneys in the Emergency  
24           Public Health Fund, subject to appropriation, shall be  
25           allocated annually as follows: (i) \$300,000 ~~\$200,000~~ to the

1 University of Illinois ~~Department of Natural Resources~~ for the  
2 purposes described in Section 55.6(c)(6) and (ii) subject to  
3 subsection (b) of this Section, all remaining amounts to the  
4 Department of Public Health to be used to make vector control  
5 grants and surveillance grants to the Cook County Department of  
6 Public Health (for areas of the County excluding the City of  
7 Chicago), to the City of Chicago health department, and to  
8 other certified local health departments. These grants shall be  
9 used for expenses related to West Nile Virus and other  
10 vector-borne diseases. The amount of each grant shall be based  
11 on population and need as supported by information submitted to  
12 the Department of Public Health. For the purposes of this  
13 Section, need shall be determined by the Department based  
14 primarily upon surveillance data and the number of positive  
15 human cases of West Nile Virus and other vector-borne diseases  
16 occurring during the preceding year and current year in the  
17 county or municipality seeking the grant.

18 (b) Beginning on July 31, 2003, on the last day of each  
19 month, the State Comptroller shall order transferred and the  
20 State Treasurer shall transfer the fees collected in the  
21 previous month pursuant to item (1.5) of subsection (a) of  
22 Section 55.8 from the Emergency Public Health Fund to the  
23 Communications Revolving Fund. These transfers shall continue  
24 until the cumulative total of the transfers is \$3,000,000.

25 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03.)

26 Section 99. Effective date. This Act takes effect upon



1 becoming law.