



Rep. Michael W. Tryon

Filed: 4/13/2011

09700HB2777ham001

LRB097 08414 JDS 53457 a

1 AMENDMENT TO HOUSE BILL 2777

2 AMENDMENT NO. _____. Amend House Bill 2777 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Drycleaner Environmental Response Trust
5 Fund Act is amended by changing Sections 60 and 69 as follows:

6 (415 ILCS 135/60)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 60. Drycleaning facility license.

9 (a) On and after January 1, 1998, no person shall operate a
10 drycleaning facility in this State without a license issued by
11 the Council.

12 (b) The Council shall issue an initial or renewal license
13 to a drycleaning facility on submission by an applicant of a
14 completed form prescribed by the Council and proof of payment
15 of the required fee to the Department of Revenue.

16 (c) On or after January 1, 2004, the annual fees for

1 licensure are as follows:

2 (1) \$500 for a facility that uses (i) 50 gallons or
3 less of chlorine-based or green drycleaning solvents
4 annually, (ii) 250 or less gallons annually of
5 hydrocarbon-based drycleaning solvents in a drycleaning
6 machine equipped with a solvent reclaimer, or (iii) 500
7 gallons or less annually of hydrocarbon-based drycleaning
8 solvents in a drycleaning machine without a solvent
9 reclaimer.

10 (2) \$500 for a facility that uses (i) more than 50
11 gallons but not more than 100 gallons of chlorine-based or
12 green drycleaning solvents annually, (ii) more than 250
13 gallons but not more 500 gallons annually of
14 hydrocarbon-based solvents in a drycleaning machine
15 equipped with a solvent reclaimer, or (iii) more than 500
16 gallons but not more than 1,000 gallons annually of
17 hydrocarbon-based drycleaning solvents in a drycleaning
18 machine without a solvent reclaimer.

19 (3) \$500 for a facility that uses (i) more than 100
20 gallons but not more than 150 gallons of chlorine-based or
21 green drycleaning solvents annually, (ii) more than 500
22 gallons but not more than 750 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer, or (iii) more than 1,000
25 gallons but not more than 1,500 gallons annually of
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

2 (4) \$1,000 for a facility that uses (i) more than 150
3 gallons but not more than 200 gallons of chlorine-based or
4 green drycleaning solvents annually, (ii) more than 750
5 gallons but not more than 1,000 gallons annually of
6 hydrocarbon-based solvents in a drycleaning machine
7 equipped with a solvent reclaimer, or (iii) more than 1,500
8 gallons but not more than 2,000 gallons annually of
9 hydrocarbon-based drycleaning solvents in a drycleaning
10 machine without a solvent reclaimer.

11 (5) \$1,000 for a facility that uses (i) more than 200
12 gallons but not more than 250 gallons of chlorine-based or
13 green drycleaning solvents annually, (ii) more than 1,000
14 gallons but not more than 1,250 gallons annually of
15 hydrocarbon-based solvents in a drycleaning machine
16 equipped with a solvent reclaimer, or (iii) more than 2,000
17 gallons but not more than 2,500 gallons annually of
18 hydrocarbon-based drycleaning solvents in a drycleaning
19 machine without a solvent reclaimer.

20 (6) \$1,000 for a facility that uses (i) more than 250
21 gallons but not more than 300 gallons of chlorine-based or
22 green drycleaning solvents annually, (ii) more than 1,250
23 gallons but not more than 1,500 gallons annually of
24 hydrocarbon-based solvents in a drycleaning machine
25 equipped with a solvent reclaimer, or (iii) more than 2,500
26 gallons but not more than 3,000 gallons annually of

1 hydrocarbon-based drycleaning solvents in a drycleaning
2 machine without a solvent reclaimer.

3 (7) \$1,000 for a facility that uses (i) more than 300
4 gallons but not more than 350 gallons of chlorine-based or
5 green drycleaning solvents annually, (ii) more than 1,500
6 gallons but not more than 1,750 gallons annually of
7 hydrocarbon-based solvents in a drycleaning machine
8 equipped with a solvent reclaimer, or (iii) more than 3,000
9 gallons but not more than 3,500 gallons annually of
10 hydrocarbon-based drycleaning solvents in a drycleaning
11 machine without a solvent reclaimer.

12 (8) \$1,500 for a facility that uses (i) more than 350
13 gallons but not more than 400 gallons of chlorine-based or
14 green drycleaning solvents annually, (ii) more than 1,750
15 gallons but not more than 2,000 gallons annually of
16 hydrocarbon-based solvents in a drycleaning machine
17 equipped with a solvent reclaimer, or (iii) more than 3,500
18 gallons but not more than 4,000 gallons annually of
19 hydrocarbon-based drycleaning solvents in a drycleaning
20 machine without a solvent reclaimer.

21 (9) \$1,500 for a facility that uses (i) more than 400
22 gallons but not more than 450 gallons of chlorine-based or
23 green drycleaning solvents annually, (ii) more than 2,000
24 gallons but not more than 2,250 gallons annually of
25 hydrocarbon-based solvents in a drycleaning machine
26 equipped with a solvent reclaimer, or (iii) more than 4,000

1 gallons but not more than 4,500 gallons annually of
2 hydrocarbon-based drycleaning solvents in a drycleaning
3 machine without a solvent reclaimer.

4 (10) \$1,500 for a facility that uses (i) more than 450
5 gallons but not more than 500 gallons of chlorine-based or
6 green drycleaning solvents annually, (ii) more than 2,250
7 gallons but not more than 2,500 gallons annually of
8 hydrocarbon-based solvents used in a drycleaning machine
9 equipped with a solvent reclaimer, or (iii) more than 4,500
10 gallons but not more than 5,000 gallons annually of
11 hydrocarbon-based drycleaning solvents in a drycleaning
12 machine without a solvent reclaimer.

13 (11) \$1,500 for a facility that uses (i) more than 500
14 gallons but not more than 550 gallons of chlorine-based or
15 green drycleaning solvents annually, (ii) more than 2,500
16 gallons but not more than 2,750 gallons annually of
17 hydrocarbon-based solvents in a drycleaning machine
18 equipped with a solvent reclaimer, or (iii) more than 5,000
19 gallons but not more than 5,500 gallons annually of
20 hydrocarbon-based drycleaning solvents in a drycleaning
21 machine without a solvent reclaimer.

22 (12) \$1,500 for a facility that uses (i) more than 550
23 gallons but not more than 600 gallons of chlorine-based or
24 green drycleaning solvents annually, (ii) more than 2,750
25 gallons but not more than 3,000 gallons annually of
26 hydrocarbon-based solvents in a drycleaning machine

1 equipped with a solvent reclaimer, or (iii) more than 5,500
2 gallons but not more than 6,000 gallons annually of
3 hydrocarbon-based drycleaning solvents in a drycleaning
4 machine without a solvent reclaimer.

5 (13) \$1,500 for a facility that uses (i) more than 600
6 gallons of chlorine-based or green drycleaning solvents
7 annually, (ii) more than 3,000 gallons but not more than
8 3,250 gallons annually of hydrocarbon-based solvents in a
9 drycleaning machine equipped with a solvent reclaimer, or
10 (iii) more than 6,000 gallons of hydrocarbon-based
11 drycleaning solvents annually in a drycleaning machine
12 equipped without a solvent reclaimer.

13 (14) \$1,500 for a facility that uses more than 3,250
14 gallons but not more than 3,500 gallons annually of
15 hydrocarbon-based solvents in a drycleaning machine
16 equipped with a solvent reclaimer.

17 (15) \$1,500 for a facility that uses more than 3,500
18 gallons but not more than 3,750 gallons annually of
19 hydrocarbon-based solvents used in a drycleaning machine
20 equipped with a solvent reclaimer.

21 (16) \$1,500 for a facility that uses more than 3,750
22 gallons but not more than 4,000 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer.

25 (17) \$1,500 for a facility that uses more than 4,000
26 gallons annually of hydrocarbon-based solvents in a

1 drycleaning machine equipped with a solvent reclaimer.

2 For purpose of this subsection, the quantity of drycleaning
3 solvents used annually shall be determined as follows:

4 (1) in the case of an initial applicant, the quantity
5 of drycleaning solvents that the applicant estimates will
6 be used during his or her initial license year. A fee
7 assessed under this subdivision is subject to audited
8 adjustment for that year; or

9 (2) in the case of a renewal applicant, the quantity of
10 drycleaning solvents actually purchased in the preceding
11 license year.

12 The Council may adjust licensing fees annually based on the
13 published Consumer Price Index - All Urban Consumers ("CPI-U")
14 or as otherwise determined by the Council.

15 (d) A license issued under this Section shall expire one
16 year after the date of issuance and may be renewed on
17 reapplication to the Council and submission of proof of payment
18 of the appropriate fee to the Department of Revenue in
19 accordance with subsections (c) and (e). At least 30 days
20 before payment of a renewal licensing fee is due, the Council
21 shall attempt to:

22 (1) notify the operator of each licensed drycleaning
23 facility concerning the requirements of this Section; and

24 (2) submit a license fee payment form to the licensed
25 operator of each drycleaning facility.

26 (e) An operator of a drycleaning facility shall submit the

1 appropriate application form provided by the Council with the
2 license fee in the form of cash, credit card, business check,
3 or guaranteed remittance to the Department of Revenue. The
4 license fee payment form and the actual license fee payment
5 shall be administered by the Department of Revenue under rules
6 adopted by that Department.

7 (f) The Department of Revenue shall issue a proof of
8 payment receipt to each operator of a drycleaning facility who
9 has paid the appropriate fee in cash or by guaranteed
10 remittance, credit card, or business check. However, the
11 Department of Revenue shall not issue a proof of payment
12 receipt to a drycleaning facility that is liable to the
13 Department of Revenue for a tax imposed under this Act. The
14 original receipt shall be presented to the Council by the
15 operator of a drycleaning facility.

16 (g) (Blank).

17 (h) The Council and the Department of Revenue may adopt
18 rules as necessary to administer the licensing requirements of
19 this Act.

20 (Source: P.A. 96-774, eff. 1-1-10.)

21 (415 ILCS 135/69)

22 Sec. 69. Civil penalties.

23 (a) Except as provided in this Section, any person who
24 violates any provision of this Act or any regulation adopted by
25 the Council, or any license or registration or term or

1 condition thereof, or that violates any order of the Council
2 under this Act, shall be liable for a civil penalty as provided
3 in this Section. The penalties may, upon order of the Council
4 or a court of competent jurisdiction, be made payable to the
5 Drycleaner Environmental Response Trust Fund, to be used in
6 accordance with the provisions of the Drycleaner Environmental
7 Response Trust Fund Act.

8 (b) Notwithstanding the provisions of subsection (a) of
9 this Section:

10 (1) Any person who violates subsection (a) of Section
11 60 ~~Section 60(a)~~ of this Act by failing to pay the license
12 fee when due, may be assessed a civil penalty of \$5 per day
13 for each day after the license fee is due until the license
14 fee is paid. The penalty shall be effective for license
15 fees due on or after July 1, 1999 and before June 30, 2011.
16 For license fees due on or after July 1, 2011, any person
17 who violates subsection (a) of Section 60 of this Act by
18 failing to pay the license fee when due may be assessed a
19 civil penalty, beginning on the 31st day after the license
20 fee is due, in the following amounts: (i) beginning on the
21 31st day after the license fee is due and until the 60th
22 day after the license fee is due, \$3 for each day during
23 which the license fee is not paid and (ii) beginning on the
24 61st day after the license fee is due and until the license
25 fee is paid, \$5 for each day during which the license fee
26 is not paid.

1 (2) Any person who violates subsection (d) or (h) of
2 Section 65 ~~Section 65(d) or 65(h)~~ of this Act shall be
3 liable for a civil penalty not to exceed \$500 for the first
4 violation and a civil penalty not to exceed \$5,000 for a
5 second or subsequent violation.

6 (3) Any person who violates Section 67 of this Act
7 shall be liable for a civil penalty not to exceed \$100 per
8 day for each day the person is not registered to sell
9 drycleaning solvents.

10 (c) The Council shall issue an administrative assessment
11 setting forth any penalties it imposes under subsection (b) of
12 this Section and shall serve notice of the assessment upon the
13 party assessed. The Council's determination shall be deemed
14 correct and shall serve as evidence of the correctness of the
15 Council's determination that a penalty is due. Proof of a
16 determination by the Council may be made at any administrative
17 hearing or in any legal proceeding by a reproduced copy or
18 computer print-out of the Council's record relating thereto in
19 the name of the Council under the certificate of the Council.

20 If reproduced copies of the Council's records are offered
21 as proof of a penalty assessment, the Council must certify that
22 those copies are true and exact copies of records on file with
23 the Council. If computer print-outs of the Council's records
24 are offered as proof of a determination, the Council Chairman
25 must certify that those computer print-outs are true and exact
26 representations of records properly entered into standard

1 electronic computing equipment, in the regular course of the
2 Council's business, at or reasonably near the time of the
3 occurrence of the facts recorded, from trustworthy and reliable
4 information. A certified reproduced copy or certified computer
5 print-out shall, without further proof, be admitted into
6 evidence in any administrative or legal proceeding and is prima
7 facie proof of the correctness of the Council's determination.

8 Whenever notice is required by this Section, the notice may
9 be given by United States registered or certified mail,
10 addressed to the person concerned at his last known address,
11 and proof of mailing shall be sufficient for the purposes of
12 this Act. Notice of any hearing provided for by this Act shall
13 be given not less than 7 days before the day fixed for the
14 hearing. Following the initial contact of a person represented
15 by an attorney, the Council shall not contact that person but
16 shall only contact the attorney representing that person.

17 (d) The penalties provided for in this Section may be
18 recovered in a civil action instituted by the Attorney General
19 in the name of the people of the State of Illinois.

20 (e) The Attorney General may also, at the request of the
21 Council or on his or her own motion, institute a civil action
22 for an injunction, prohibitory or mandatory, to restrain
23 violations of this Act, any rule or regulation adopted under
24 this Act, any license or registration or term or condition of a
25 license or registration, or any Council order, or to require
26 other actions as may be necessary to address violations

1 thereof.

2 (f) Without limiting any other authority which may exist
3 for the awarding of attorney's fees and costs, the Council, or
4 a court of competent jurisdiction, may award costs and
5 reasonable attorney's fees, including the reasonable costs of
6 expert witnesses and consultants, to the Attorney General in a
7 case where the Attorney General has prevailed against a person
8 who has committed a willful, knowing, or repeated violation of
9 this Act, any rule or regulation adopted under this Act, any
10 license or registration or term or condition of a license or
11 registration, or any Council order. Any funds collected under
12 this subsection (f) in which the Attorney General has prevailed
13 shall be deposited in the Drycleaner Environmental Response
14 Trust Fund created in Section 10 of this Act.

15 (g) All final orders imposing civil penalties under this
16 Section shall prescribe the time for payment of the penalties.
17 If any penalty is not paid within the time prescribed, interest
18 on the penalty shall be paid, at the rate set forth in Section
19 3-2 of the Illinois Uniform Penalty and Interest Act, for the
20 period from the date payment is due until the date payment is
21 received. However, if the time for payment is stayed during the
22 pendency of an appeal, interest shall not accrue during the
23 stay.

24 (Source: P.A. 96-774, eff. 1-1-10.)

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

1 becoming law.".