

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 Section 22.57 as follows:

6 (415 ILCS 5/22.57)

7 Sec. 22.57. Perchloroethylene in drycleaning.

8 (a) For the purposes of this Section:

9 "Drycleaning" means the process of cleaning clothing,  
10 garments, textiles, fabrics, leather goods, or other like  
11 articles using a nonaqueous solvent.

12 "Drycleaning machine" means any machine, device, or other  
13 equipment used in drycleaning.

14 "Drycleaning solvents" means solvents used in drycleaning.

15 "Perchloroethylene drycleaning machine" means a  
16 drycleaning machine that uses perchloroethylene.

17 "Primary control system" means a refrigerated condenser or  
18 an equivalent closed-loop vapor recovery system that reduces  
19 the concentration of perchloroethylene in the recirculating  
20 air of a perchloroethylene drycleaning machine.

21 "Refrigerated condenser" means a closed-loop vapor  
22 recovery system into which perchloroethylene vapors are  
23 introduced and trapped by cooling below the dew point of the

1 perchloroethylene.

2 "Secondary control system" means a device or apparatus that  
3 reduces the concentration of perchloroethylene in the  
4 recirculating air of a perchloroethylene drycleaning machine  
5 at the end of the drying cycle beyond the level achievable with  
6 a refrigerated condenser alone.

7 (b) Beginning January 1, 2013:

8 (1) Perchloroethylene drycleaning machines in  
9 operation on the effective date of this Section that have a  
10 primary control system but not a secondary control system  
11 can continue to be used until the end of their useful life,  
12 provided that perchloroethylene drycleaning machines that  
13 do not have a secondary control system cannot be operated  
14 at a facility other than the facility at which they were  
15 located on the effective date of this Section.

16 (2) Except as allowed under paragraph (1) of subsection  
17 (b) of this Section, no person shall install or operate a  
18 perchloroethylene drycleaning machine unless the machine  
19 has a primary control system and a secondary control  
20 system.

21 (c) ~~No Beginning January 1, 2014, no~~ person shall operate a  
22 drycleaning machine unless all of the following are met:

23 (1) During the operation of any perchloroethylene  
24 drycleaning machine, a person who has successfully  
25 completed all continuing education requirements adopted by  
26 the Board pursuant to Section 12 of the Drycleaner

1        Environmental Response Trust Fund Act ~~with the following~~  
2        ~~training~~ is present at the facility where the machine is  
3        located. ÷

4                ~~(A) Successful completion of an initial~~  
5        ~~environmental training course that is approved by the~~  
6        ~~Dry Cleaner Environmental Response Trust Fund Council,~~  
7        ~~in consultation with the Agency and representatives of~~  
8        ~~the drycleaning industry, as providing appropriate~~  
9        ~~training on drycleaning best management practices,~~  
10        ~~including, but not limited to, reducing solvent air~~  
11        ~~emissions, reducing solvent spills and leaks,~~  
12        ~~protecting groundwater, and promoting the efficient~~  
13        ~~use of solvents.~~

14                ~~(B) Once every 4 years after completion of the~~  
15        ~~initial environmental training course, successful~~  
16        ~~completion of a refresher environmental training~~  
17        ~~course that is approved by the Dry Cleaner~~  
18        ~~Environmental Response Trust Fund Council, in~~  
19        ~~consultation with the Agency and representatives of~~  
20        ~~the drycleaning industry, as providing (i) appropriate~~  
21        ~~review and updates on drycleaning best management~~  
22        ~~practices, including, but not limited to, reducing~~  
23        ~~solvent air emissions, reducing solvent spills and~~  
24        ~~leaks, protecting groundwater, and promoting the~~  
25        ~~efficient use of solvents, and (ii) information on~~  
26        ~~drycleaning solvents, technologies, and alternatives~~

1 ~~that do not utilize perchloroethylene.~~

2 (2) For drycleaning facilities where one or more  
3 perchloroethylene drycleaning machines are used, proof of  
4 successful completion of all the training required by the  
5 Board pursuant to Section 12 of the Drycleaner  
6 Environmental Response Trust Fund Act ~~under paragraph (1)~~  
7 ~~of subsection (c) of this Section~~ is maintained at the  
8 drycleaning facility. Proof of successful completion of  
9 the training must be made available for inspection and  
10 copying by the Agency or units of local government during  
11 normal business hours. Training used to satisfy paragraph  
12 (3) (2) of subsection (b) (d) of Section 60 45 of the  
13 Drycleaner Environmental Response Trust Fund Act may also  
14 be used to satisfy training requirements under paragraph  
15 ~~(1) of subsection (c) of this Section~~ to the extent that  
16 the training ~~it~~ meets the requirements of the Board rules  
17 ~~paragraph (1) of subsection (c) of this Section.~~

18 (3) All of the following secondary containment  
19 measures are in place:

20 (A) There is a containment dike or other  
21 containment structure around each machine, item of  
22 equipment, drycleaning area, and portable waste  
23 container in which any drycleaning solvent is  
24 utilized, which shall be capable of containing leaks,  
25 spills, or releases of drycleaning solvent from that  
26 machine, item, area, or container. The containment

1 dike or other containment structure shall be capable of  
2 at least the following: (i) containing a capacity of  
3 110% of the drycleaning solvent in the largest tank or  
4 vessel within the machine; (ii) containing 100% of the  
5 drycleaning solvent of each item of equipment or  
6 drycleaning area; and (iii) containing 100% of the  
7 drycleaning solvent of the largest portable waste  
8 container or at least 10% of the total volume of the  
9 portable waste containers stored within the  
10 containment dike or structure, whichever is greater.  
11 Petroleum underground storage tank systems that are  
12 upgraded in accordance with USEPA upgrade standards  
13 pursuant to 40 CFR Part 280 for the tanks and related  
14 piping systems and use a leak detection system approved  
15 by the USEPA or the Agency are exempt from this  
16 subparagraph (A).

17 (B) Those portions of diked floor surfaces on which  
18 a drycleaning solvent may leak, spill, or otherwise be  
19 released have been sealed or otherwise rendered  
20 impervious.

21 (C) All chlorine-based drycleaning solvent is  
22 delivered to the drycleaning facility by means of  
23 closed, direct-coupled delivery systems. ~~The Dry~~  
24 ~~Cleaner Environmental Response Trust Fund Council may~~  
25 ~~adopt rules specifying methods of delivery of solvents~~  
26 ~~other than chlorine based solvents to drycleaning~~

1 ~~facilities. Solvents other than chlorine-based~~  
2 ~~solvents must be delivered to drycleaning facilities~~  
3 ~~in accordance with rules adopted by the Dry Cleaner~~  
4 ~~Environmental Response Trust Fund Council.~~

5 (d) (Blank). ~~Manufacturers of drycleaning solvents or~~  
6 ~~other cleaning agents used as alternatives to~~  
7 ~~perchloroethylene drycleaning that are sold or offered for sale~~  
8 ~~in Illinois must, in accordance with Agency rules, provide to~~  
9 ~~the Agency sufficient information to allow the Agency to~~  
10 ~~determine whether the drycleaning solvents or cleaning agents~~  
11 ~~may pose negative impacts to human health or the environment.~~  
12 ~~These alternatives shall include, but are not limited to,~~  
13 ~~drycleaning solvents or other cleaning agents used in~~  
14 ~~solvent-based cleaning, carbon dioxide based cleaning, and~~  
15 ~~professional wet cleaning methods. The information shall~~  
16 ~~include, but is not limited to, information regarding the~~  
17 ~~physical and chemical properties of the drycleaning solvents or~~  
18 ~~cleaning agents and toxicity data. No later than July 1, 2015,~~  
19 ~~the Agency shall adopt in accordance with the Illinois~~  
20 ~~Administrative Procedure Act rules specifying the information~~  
21 ~~that manufacturers must submit under this subsection (d). The~~  
22 ~~rules must include, but shall not be limited to, a deadline for~~  
23 ~~submission of the information to the Agency. No later than July~~  
24 ~~1, 2018, the Agency shall post information resulting from its~~  
25 ~~review of the drycleaning solvents and cleaning agents on the~~  
26 ~~Agency's website.~~

1           (e) (Blank). ~~No later than January 1, 2016, the Agency~~  
2 ~~shall submit to the General Assembly a report on the impact to~~  
3 ~~groundwater from newly discovered releases of~~  
4 ~~perchloroethylene from any source in this State. Depending on~~  
5 ~~the nature and scope of any releases that have impacted~~  
6 ~~groundwater, the report may include, but shall not be limited~~  
7 ~~to, recommendations for reducing or eliminating impacts to~~  
8 ~~groundwater from future releases.~~

9           (Source: P.A. 97-1057, eff. 1-1-13.)

10           Section 10. The Drycleaner Environmental Response Trust  
11 Fund Act is amended by changing Sections 5, 10, 25, 40, 50, 55,  
12 60, 65, and 69, and by adding Sections 69.5 and 77 as follows:

13           (415 ILCS 135/5)

14           Sec. 5. Definitions. As used in this Act:

15           ~~(a)~~ "Active drycleaning facility" means a drycleaning  
16 facility actively engaged in drycleaning operations and  
17 licensed under Section 60 of this Act.

18           ~~(b)~~ "Agency" means the Illinois Environmental Protection  
19 Agency.

20           "Board" means the Illinois Pollution Control Board.

21           ~~(c)~~ "Claimant" means an owner or operator of a drycleaning  
22 facility who has applied for reimbursement from the remedial  
23 account or who has submitted a claim under the insurance  
24 account with respect to a release.

1       ~~(d)~~ "Council" means the Drycleaner Environmental Response  
2 Trust Fund Council.

3       ~~(e)~~ "Drycleaner Environmental Response Trust Fund" or  
4 "Fund" means the fund created under Section 10 of this Act.

5       ~~(f)~~ "Drycleaning facility" means a facility located in this  
6 State that is or has been engaged in drycleaning operations for  
7 the general public, other than ~~a~~:

8           (1) a facility located on a United States military  
9 base;

10          (2) an industrial laundry, commercial laundry, or  
11 linen supply facility;

12          (3) a prison or other penal institution that engages in  
13 drycleaning only as part of a Correctional Industries  
14 program to provide drycleaning to persons who are  
15 incarcerated in a prison or penal institution or to  
16 resident patients of a State-operated mental health  
17 facility;

18          (4) a not-for-profit hospital or other health care  
19 facility; or a

20          (5) a facility located or formerly located on federal  
21 or State property.

22       ~~(g)~~ "Drycleaning operations" means drycleaning of apparel  
23 and household fabrics for the general public, as described in  
24 Standard Industrial Classification Industry No. 7215 and No.  
25 7216 in the Standard Industrial Classification Manual (SIC) by  
26 the Technical Committee on Industrial Classification.



1       ~~(h)~~ "Drycleaning solvent" means any and all nonaqueous  
2 solvents, including but not limited to a chlorine-based or  
3 petroleum-based formulation or product, including green  
4 solvents, that are used as a primary cleaning agent in  
5 drycleaning operations.

6       ~~(i)~~ "Emergency" or "emergency action" means a situation or  
7 an immediate response to a situation to protect public health  
8 or safety. "Emergency" or "emergency action" does not mean  
9 removal of contaminated soils, recovery of free product, or  
10 financial hardship. An "emergency" or "emergency action" would  
11 normally be expected to be directly related to a sudden event  
12 or discovery and would last until the threat to public health  
13 is mitigated.

14       ~~(j)~~ "Groundwater" means underground water that occurs  
15 within the saturated zone and geologic materials where the  
16 fluid pressure in the pore space is equal to or greater than  
17 the atmospheric pressure.

18       ~~(k)~~ "Inactive drycleaning facility" means a drycleaning  
19 facility that is not being used for drycleaning operations and  
20 is not registered under this Act.

21       ~~(l)~~ "Maintaining a place of business in this State" or any  
22 like term means (1) having or maintaining within this State,  
23 directly or through a subsidiary, an office, distribution  
24 facility, distribution house, sales house, warehouse, or other  
25 place of business or (2) operating within this State as an  
26 agent or representative for a person or a person's subsidiary

1 engaged in the business of selling to persons within this  
2 State, irrespective of whether the place of business or agent  
3 or other representative is located in this State permanently or  
4 temporary, or whether the person or the person's subsidiary  
5 engages in the business of selling in this State.

6 ~~(m)~~ "No Further Remediation Letter" means a letter provided  
7 by the Agency pursuant to Section 58.10 of Title XVII of the  
8 Environmental Protection Act.

9 ~~(n)~~ "Operator" means a person or entity holding a business  
10 license to operate a licensed drycleaning facility or the  
11 business operation of which the drycleaning facility is a part.

12 ~~(o)~~ "Owner" means (1) a person who owns or has possession  
13 or control of a drycleaning facility at the time a release is  
14 discovered, regardless of whether the facility remains in  
15 operation or (2) a parent corporation of the person under item  
16 (1) of this subdivision.

17 ~~(p)~~ "Parent corporation" means a business entity or other  
18 business arrangement that has elements of common ownership or  
19 control or that uses a long-term contractual arrangement with a  
20 person to avoid direct responsibility for conditions at a  
21 drycleaning facility.

22 ~~(q)~~ "Person" means an individual, trust, firm, joint stock  
23 company, corporation, consortium, joint venture, or other  
24 commercial entity.

25 ~~(r)~~ "Program year" means the period beginning on July 1 and  
26 ending on the following June 30.

1       ~~(s)~~ "Release" means any spilling, leaking, emitting,  
2       discharging, escaping, leaching, or dispersing of drycleaning  
3       solvents from a drycleaning facility to groundwater, surface  
4       water, or subsurface soils.

5       ~~(t)~~ "Remedial action" means activities taken to comply with  
6       Title XVII Sections 58.6 and 58.7 of the Environmental  
7       Protection Act and rules adopted by the ~~Pollution Control~~ Board  
8       to administer that Title under those Sections.

9       ~~(u)~~ "Responsible party" means an owner, operator, or other  
10       person financially responsible for costs of remediation of a  
11       release of drycleaning solvents from a drycleaning facility.

12       ~~(v)~~ "Service provider" means a consultant, testing  
13       laboratory, monitoring well installer, soil boring contractor,  
14       other contractor, lender, or any other person who provides a  
15       product or service for which a claim for reimbursement has been  
16       or will be filed against the Fund ~~remedial account or insurance~~  
17       ~~account~~, or a subcontractor of such a person.

18       ~~(w)~~ "Virgin facility" means a drycleaning facility that has  
19       never had chlorine-based or petroleum-based drycleaning  
20       solvents stored or used at the property prior to it becoming a  
21       green solvent drycleaning facility.

22       (Source: P.A. 93-201, eff. 1-1-04.)

23       (415 ILCS 135/10)

24       Sec. 10. Drycleaner Environmental Response Trust Fund.

25       (a) The Drycleaner Environmental Response Trust Fund is

1 created as a special fund in the State Treasury. Moneys  
2 deposited into the Fund shall be used by the Agency ~~solely~~ for  
3 the purposes of ~~the Council and for other purposes as provided~~  
4 ~~in~~ this Act. The Fund shall include moneys credited to the Fund  
5 under this Act and other moneys that by law may be credited to  
6 the Fund. The State Treasurer may invest moneys ~~Funds~~ deposited  
7 into the Fund ~~at the direction of the Council~~. Interest, income  
8 from the investments, and other income earned by the Fund shall  
9 be credited to and deposited into the Fund.

10 ~~Pursuant to appropriation, all moneys in the Drycleaner~~  
11 ~~Environmental Response Trust Fund shall be disbursed by the~~  
12 ~~Agency to the Council for the purpose of making disbursements,~~  
13 ~~if any, in accordance with this Act and for the purpose of~~  
14 ~~paying the ordinary and contingent expenses of the Council.~~  
15 ~~After June 30, 1999, pursuant to appropriation, all moneys in~~  
16 ~~the Drycleaner Environmental Response Trust Fund may be used by~~  
17 ~~the Council for the purpose of making disbursements, if any, in~~  
18 ~~accordance with this Act and for the purpose of paying the~~  
19 ~~ordinary and contingent expenses of the Council.~~

20 The Fund may be divided into different accounts with  
21 different depositories to fulfill the purposes of the Act ~~as~~  
22 ~~determined by the Council~~.

23 Moneys in the Fund at the end of a State fiscal year shall  
24 be carried forward to the next fiscal year and shall not revert  
25 to the General Revenue Fund.

26 (b) The specific purposes of the Fund include, l but are not

1 limited to, the following:

2 (1) To establish an account to fund remedial action of  
3 drycleaning solvent releases from drycleaning facilities  
4 as provided by Section 40.

5 (2) To establish an insurance account for insuring  
6 environmental risks from releases from drycleaning  
7 facilities within this State as provided by Section 45.

8 (c) The State, the General Revenue Fund, and any other Fund  
9 of the State, other than the Drycleaner Environmental Response  
10 Trust Fund, shall not be liable for a claim or cause of action  
11 in connection with a drycleaning facility not owned or operated  
12 by the State or an agency of the State. All expenses incurred  
13 by the Fund shall be payable solely from the Fund and no  
14 liability or obligation shall be imposed upon the State. The  
15 State is not liable for a claim presented against the Fund.

16 (d) The liability of the Fund is limited to the extent of  
17 coverage provided by the account under which a claim is  
18 submitted, subject to the terms and conditions of that  
19 coverage. The liability of the Fund is further limited by the  
20 moneys made available to the Fund, and no remedy shall be  
21 ordered that would require the Fund to exceed its then current  
22 funding limitations to satisfy an award or which would restrict  
23 the availability of moneys for higher priority sites.

24 (e) Nothing in this Act shall be construed to limit,  
25 restrict, or affect the authority and powers of the Agency or  
26 another State agency or statute unless the State agency or

1 statute is specifically referenced and the limitation is  
2 clearly set forth in this Act.

3 (f) During each fiscal year, the Agency shall limit its  
4 administration of the Fund to no more \$600,000 in  
5 administrative expenses. The limitation in this subsection (f)  
6 does not apply to costs incurred by the Agency in:

7 (1) reviewing remedial action under Title XVII of the  
8 Environmental Protection Act; or

9 (2) performing investigative or remedial actions.

10 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

11 (415 ILCS 135/25)

12 Sec. 25. Powers and duties of the Agency Council.

13 (a) The Agency Council shall have all of the general powers  
14 reasonably necessary and convenient to carry out ~~its purposes~~  
15 ~~and may perform the following functions, subject to any express~~  
16 ~~limitations contained in this Act, including, but not limited~~  
17 ~~to, the power to:~~

18 (1) Take actions and enter into agreements necessary  
19 to:

20 (A) reimburse claimants for eligible remedial  
21 action expenses; ~~assist the Agency~~

22 (B) ~~to~~ protect the environment from releases for  
23 which claimants are eligible for reimbursement under  
24 this Act by, among other things, performing  
25 investigative, remedial, or other appropriate actions

1           in response to those releases; and

2           (C) reduce costs associated with remedial actions.

3           ~~, and establish and implement an insurance program.~~

4           (2) Acquire and hold personal property to be used for  
5 the purpose of remedial action.

6           (3) (Blank). ~~Purchase, construct, improve, furnish,~~  
7 ~~equip, lease, option, sell, exchange, or otherwise dispose~~  
8 ~~of one or more improvements under the terms it determines.~~  
9 ~~The Council may define "improvements" by rule for purposes~~  
10 ~~of this Act.~~

11           (4) (Blank). ~~Grant a lien, pledge, assignment, or other~~  
12 ~~encumbrance on one or more revenues, assets of right,~~  
13 ~~accounts, or funds established or received in connection~~  
14 ~~with the Fund, including revenues derived from fees or~~  
15 ~~taxes collected under this Act.~~

16           (5) (Blank). ~~Contract for the acquisition or~~  
17 ~~construction of one or more improvements or parts of one or~~  
18 ~~more improvements or for the leasing, subleasing, sale, or~~  
19 ~~other disposition of one or more improvements in a manner~~  
20 ~~the Council determines.~~

21           (6) (Blank). ~~Cooperate with the Agency in the~~  
22 ~~implementation and administration of this Act to minimize~~  
23 ~~unnecessary duplication of effort, reporting, or paperwork~~  
24 ~~and to maximize environmental protection within the~~  
25 ~~funding limits of this Act.~~

26           (7) Except as otherwise provided by law, inspect any

1 document in the possession of an owner, operator, service  
2 provider, or any other person if the document is relevant  
3 to a claim for reimbursement under this Section or may  
4 inspect a drycleaning facility for which a claim for  
5 benefits under this Act has been submitted.

6 (b) (Blank). ~~The Council shall pre approve, and the~~  
7 ~~contracting parties shall seek pre approval for, a contract~~  
8 ~~entered into under this Act if the cost of the contract exceeds~~  
9 ~~\$75,000. The Council or its designee shall review and approve~~  
10 ~~or disapprove all contracts entered into under this Act.~~  
11 ~~However, review by the Council or its designee shall not be~~  
12 ~~required when an emergency situation exists. All contracts~~  
13 ~~entered into by the Council shall be awarded on a competitive~~  
14 ~~basis to the maximum extent practical. In those situations~~  
15 ~~where it is determined that bidding is not practical, the basis~~  
16 ~~for the determination of impracticability shall be documented~~  
17 ~~by the Council or its designee.~~

18 (c) The Agency shall, in accordance with Board rules,  
19 ~~Council may~~ prioritize the expenditure of funds from the  
20 remedial action account whenever it determines that there are  
21 not sufficient funds to settle all current claims. In  
22 prioritizing, the Agency shall ~~Council may~~ consider, among  
23 other things, the following:

24 (1) the degree to which human health is affected by the  
25 exposure posed by the release;

26 (2) the reduction of risk to human health derived from



1 remedial action compared to the cost of the remedial  
2 action;

3 (3) the present and planned uses of the impacted  
4 property; ~~and~~

5 (4) whether the claimant is currently licensed,  
6 insured, and has paid all fees and premiums due under this  
7 Act; and

8 (5) ~~(4)~~ other factors as determined by the Board  
9 Council.

10 (d) The Board may ~~Council shall~~ adopt rules allowing the  
11 direct payment from the Fund to a contractor who performs  
12 remediation. The rules concerning the direct payment shall  
13 include a provision that any applicable deductible must be paid  
14 by the drycleaning facility prior to any direct payment from  
15 the Fund.

16 (e) (Blank). ~~The Council may purchase reinsurance coverage~~  
17 ~~to reduce the Fund's potential liability for reimbursement of~~  
18 ~~remedial action costs.~~

19 (f) The Agency may, in accordance with constitutional  
20 limitations, enter at all reasonable times upon any private or  
21 public property for the purpose of inspecting and investigating  
22 to ascertain possible violations of this Act, any rule adopted  
23 under this Act, or any order entered pursuant to this Act.

24 (g) If the Agency becomes aware of a violation of this Act  
25 or any rule adopted under this Act, it may refer the matter to  
26 the Attorney General for enforcement.

1       (h) In calendar years 2021 and 2022 and as deemed necessary  
2 by the Director of the Agency thereafter, the Agency shall  
3 prepare a report on the status of the Fund and convene a public  
4 meeting for purposes of disseminating the information in the  
5 report and accepting questions from members of the public on  
6 its contents. The reports prepared by the Agency under this  
7 subsection shall, at a minimum, describe the current financial  
8 status of the Fund, identify administrative expenses incurred  
9 by the Agency in its administration of the Fund, identify  
10 amounts from the Fund that have been applied toward remedial  
11 action and insurance claims under the Act, and list the  
12 drycleaning facilities in the State eligible for reimbursement  
13 from the Fund that have completed remedial action. The Agency  
14 shall make available on its website an electronic copy of the  
15 reports required under this subsection.

16       (Source: P.A. 93-201, eff. 1-1-04.)

17           (415 ILCS 135/40)

18           Sec. 40. Remedial action account.

19           (a) The remedial action account is established to provide  
20 reimbursement to eligible claimants for drycleaning solvent  
21 investigation, remedial action planning, and remedial action  
22 activities for existing drycleaning solvent contamination  
23 discovered at their drycleaning facilities.

24           (b) The following persons are eligible for reimbursement  
25 from the remedial action account:

1           (1) In the case of claimant who is the owner or  
2 operator of an active drycleaning facility licensed ~~by the~~  
3 ~~Council~~ under this Act at the time of application for  
4 remedial action benefits afforded under the Fund, the  
5 claimant is only eligible for reimbursement of remedial  
6 action costs incurred in connection with a release from  
7 that drycleaning facility, subject to any other  
8 limitations under this Act.

9           (2) In the case of a claimant who is the owner of an  
10 inactive drycleaning facility and was the owner or operator  
11 of the drycleaning facility when it was an active  
12 drycleaning facility, the claimant is only eligible for  
13 reimbursement of remedial action costs incurred in  
14 connection with a release from the drycleaning facility,  
15 subject to any other limitations under this Act.

16           (c) An eligible claimant requesting reimbursement from the  
17 remedial action account shall meet all of the following:

18           (1) The claimant demonstrates that the source of the  
19 release is from the claimant's drycleaning facility.

20           (2) At the time the release was discovered by the  
21 claimant, the claimant and the drycleaning facility were in  
22 compliance with the Agency reporting and technical  
23 operating requirements.

24           (3) The claimant reported the release in a timely  
25 manner ~~to the Agency~~ in accordance with State law.

26           (4) The drycleaning facility site is enrolled in the

1 Site Remediation Program established under Title XVII of  
2 the Environmental Protection Act. ~~(Blank)~~.

3 (5) If the claimant is the owner or operator of an  
4 active drycleaning facility, the claimant must ensure that  
5 ~~has provided to the Council proof of implementation and~~  
6 ~~maintenance of the following pollution prevention~~  
7 ~~measures:~~

8 (A) All ~~That all~~ drycleaning solvent wastes  
9 generated at the ~~a~~ drycleaning facility are ~~be~~ managed  
10 in accordance with applicable State waste management  
11 laws and rules.

12 (B) There is no ~~A prohibition on the~~ discharge of  
13 wastewater from drycleaning machines, or of  
14 drycleaning solvent from drycleaning operations, to a  
15 sanitary sewer or septic tank or to the surface or in  
16 groundwater.

17 (C) The ~~That every~~ drycleaning facility has ~~(it)~~  
18 ~~install~~ a containment dike or other containment  
19 structure around each machine, item of equipment,  
20 drycleaning area, and portable waste container in  
21 which any drycleaning solvent is utilized, which is  
22 ~~shall be~~ capable of containing leaks, spills, or  
23 releases of drycleaning solvent from that machine,  
24 item, area, or container. The containment dike or other  
25 containment structure shall be capable of at least the  
26 following: (i) containing a capacity of 110% of the

1 drycleaning solvent in the largest tank or vessel  
2 within the machine; (ii) containing 100% of the  
3 drycleaning solvent of each item of equipment or  
4 drycleaning area; and (iii) containing 100% of the  
5 drycleaning solvent of the largest portable waste  
6 container or at least 10% of the total volume of the  
7 portable waste containers stored within the  
8 containment dike or structure, whichever is greater.

9 Petroleum underground storage tank systems that  
10 are ~~upgraded~~ in compliance ~~accordance~~ with USEPA and  
11 State Fire Marshal rules, including, but not limited  
12 to, leak detection system rules, upgrade standards  
13 ~~pursuant to 40 CFR Part 280 for the tanks and related~~  
14 ~~pipng systems and use a leak detection system approved~~  
15 ~~by the USEPA or IEPA~~ are exempt from this secondary  
16 containment requirement.  ~~and~~

17 (D) Those (II) seal or otherwise render impervious  
18 ~~those~~ portions of diked floor surfaces on which a  
19 drycleaning solvent may leak, spill, or otherwise be  
20 released are sealed or otherwise impervious.

21 (E) All (D) A requirement that all drycleaning  
22 solvent is ~~shall be~~ delivered to drycleaning  
23 facilities by means of closed, direct-coupled delivery  
24 systems.

25 (6) An active drycleaning facility has maintained  
26 continuous financial assurance for environmental liability

1 coverage in the amount of at least \$500,000 at least since  
2 the date of award of benefits under this Section or July 1,  
3 2000, whichever is earlier. An uninsured drycleaning  
4 facility that has filed an application for insurance with  
5 the Fund by January 1, 2004, obtained insurance through  
6 that application, and maintained that insurance coverage  
7 continuously shall be considered to have conformed with the  
8 requirements of this subdivision (6). To conform with this  
9 requirement the applicant must pay the equivalent of the  
10 total premiums due for the period beginning June 30, 2000  
11 through the date of application plus a 20% penalty of the  
12 total premiums due for that period.

13 (7) The release was discovered on or after July 1, 1997  
14 and before July 1, 2006.

15 (d) A claimant must have submitted ~~shall submit~~ a completed  
16 application form provided by the Council. The application shall  
17 contain documentation of activities, plans, and expenditures  
18 associated with the eligible costs incurred in response to a  
19 release of drycleaning solvent from a drycleaning facility.  
20 Application for remedial action account benefits must have been  
21 ~~be~~ submitted to the Council on or before June 30, 2005.

22 (e) Claimants shall be subject to the following deductible  
23 requirements, ~~unless modified pursuant to the Council's~~  
24 ~~authority under Section 75:~~

25 (1) If, by January 1, 2008, an eligible claimant  
26 submitting a claim for an active drycleaning facility

1 completed site investigation and submitted to the Council a  
2 complete remedial action plan for the site, then the ~~An~~  
3 eligible claimant ~~submitting a claim for an active~~  
4 ~~drycleaning facility~~ is responsible for the first \$5,000 of  
5 eligible investigation costs and for the first \$10,000 of  
6 eligible remedial action costs incurred in connection with  
7 the release from the drycleaning facility and is only  
8 eligible for reimbursement for costs that exceed those  
9 amounts, subject to any other limitations of this Act. Any  
10 eligible claimant submitting any other claim for an active  
11 drycleaning facility is responsible for the first \$5,000 of  
12 eligible investigation costs and for the first \$15,000 of  
13 eligible remedial action costs incurred in connection with  
14 the release from the drycleaning facility, and is only  
15 eligible for reimbursement for costs that exceed those  
16 amounts, subject to any other limitations of this Act.

17 (2) If, by January 1, 2008, an eligible claimant  
18 submitting a claim for an inactive drycleaning facility  
19 completed site investigation and submitted to the Council a  
20 complete remedial action plan for the site, then the ~~An~~  
21 eligible claimant ~~submitting a claim for an inactive~~  
22 ~~drycleaning facility~~ is responsible for the first \$10,000  
23 of eligible investigation costs and for the first \$10,000  
24 of eligible remedial action costs incurred in connection  
25 with the release from that drycleaning facility, and is  
26 only eligible for reimbursement for costs that exceed those

1 amounts, subject to any other limitations of this Act. Any  
2 eligible claimant submitting any other claim for an  
3 inactive drycleaning facility is responsible for the first  
4 \$15,000 of eligible investigation costs and for the first  
5 \$15,000 of eligible remedial action costs incurred in  
6 connection with the release from the drycleaning facility,  
7 and is only eligible for reimbursement for costs that  
8 exceed those amounts, subject to any other limitations of  
9 this Act.

10 (f) Claimants are subject to the following limitations on  
11 reimbursement:

12 (1) Subsequent to meeting the deductible requirements  
13 of subsection (e), ~~and pursuant to the requirements of~~  
14 ~~Section 75,~~ reimbursement shall not exceed \$300,000 per  
15 active drycleaning facility and \$50,000 per inactive  
16 drycleaning facility.

17 (2) (Blank). ~~A contract in which one of the parties to~~  
18 ~~the contract is a claimant, for goods or services that may~~  
19 ~~be payable or reimbursable from the Council, is void and~~  
20 ~~unenforceable unless and until the Council has found that~~  
21 ~~the contract terms are within the range of usual and~~  
22 ~~customary rates for similar or equivalent goods or services~~  
23 ~~within this State and has found that the goods or services~~  
24 ~~are necessary for the claimant to comply with Council~~  
25 ~~standards or other applicable regulatory standards.~~

26 (3) (Blank). ~~A claimant may appoint the Council as an~~



1 ~~agent for the purposes of negotiating contracts with~~  
2 ~~suppliers of goods or services reimbursable by the Fund.~~  
3 ~~The Council may select another contractor for goods or~~  
4 ~~services other than the one offered by the claimant if the~~  
5 ~~scope of the proposed work or actual work of the claimant's~~  
6 ~~offered contractor does not reflect the quality of~~  
7 ~~workmanship required or if the costs are determined to be~~  
8 ~~excessive, as determined by the Council.~~

9 (4) The Agency Council may require a claimant to obtain  
10 and submit 3 bids and may require specific terms and  
11 conditions in a contract subject to approval.

12 (5) The Agency Council may enter into a contract or an  
13 exclusive contract with the supplier of goods or services  
14 required by a claimant or class of claimants, in connection  
15 with an expense reimbursable from the Fund, for a specified  
16 good or service at a gross maximum price or fixed rate, and  
17 may limit reimbursement accordingly.

18 (6) Unless emergency conditions exist, a service  
19 provider shall obtain the Agency's Council's approval of  
20 all remediation work to be reimbursed from the Fund and a  
21 ~~the~~ budget for the remediation work before commencing the  
22 work. No expense incurred that is above the budgeted amount  
23 shall be paid unless the Agency Council approves the  
24 expense ~~prior to its being incurred~~. All invoices and bills  
25 relating to the remediation work shall be submitted with  
26 appropriate documentation, as deemed necessary by the

1        Agency Council.

2            (7) Neither the Council, nor the Agency, nor an  
3 eligible claimant is responsible for payment for costs  
4 incurred that have not been previously approved by the  
5 Council, or Agency, unless an emergency exists.

6            (8) To be eligible for reimbursement from the Fund,  
7 costs must be within the range of usual and customary rates  
8 for similar or equivalent goods or services, incurred in  
9 performance of remediation work approved by the Agency, and  
10 necessary to respond to the release for which the claimant  
11 is seeking reimbursement from the Fund. ~~The Council may~~  
12 ~~determine the usual and customary costs of each item for~~  
13 ~~which reimbursement may be awarded under this Section. The~~  
14 ~~Council may revise the usual and customary costs from time~~  
15 ~~to time as necessary, but costs submitted for reimbursement~~  
16 ~~shall be subject to the rates in effect at the time the~~  
17 ~~costs were incurred.~~

18            (9) If a claimant has pollution liability insurance  
19 coverage other than coverage provided by the insurance  
20 account under this Act, that coverage shall be primary.  
21 Reimbursement from the remedial account shall be limited to  
22 the deductible amounts under the primary coverage and the  
23 amount that exceeds the policy limits of the primary  
24 coverage, subject to the deductible amounts established  
25 pursuant to ~~of~~ this Act. ~~If there is a dispute between the~~  
26 ~~claimant and the primary insurance provider, reimbursement~~

1 ~~from the remedial action account may be made to the~~  
2 ~~claimant after the claimant assigns all of his or her~~  
3 ~~interests in the insurance coverage to the Council.~~

4 (f-5) Costs of corrective action or indemnification  
5 incurred by a claimant which have been paid to a claimant under  
6 a policy of insurance other than the insurance provided under  
7 this Act, another written agreement, or a court order are not  
8 eligible for reimbursement. A claimant who receives payment  
9 under such a policy, written agreement, or court order shall  
10 reimburse the State to the extent such payment covers costs for  
11 which payment was received from the Fund. Any moneys received  
12 by the State under this subsection shall be deposited into the  
13 Fund.

14 (g) The source of funds for the remedial action account  
15 shall be moneys allocated to the account by the Agency Council  
16 ~~according to the Fund budget approved by the Council.~~

17 (h) A drycleaning facility will be classified as active or  
18 inactive for purposes of determining benefits under this  
19 Section based on the status of the facility on the date a claim  
20 is filed.

21 (i) Eligible claimants shall conduct remedial action in  
22 accordance with Title XVII of the Site Remediation Program  
23 ~~under~~ the Environmental Protection Act and rules adopted under  
24 that Act. ~~Part 740 of Title 35 of the Illinois Administrative~~  
25 ~~Code and the Tiered Approach to Cleanup Objectives under Part~~  
26 ~~742 of Title 35 of the Illinois Administrative Code.~~

1           (j) Effective January 1, 2012, the owner or operator of an  
2 active drycleaning facility that has previously received or is  
3 currently receiving reimbursement for the costs of a remedial  
4 action, as defined in this Act, shall maintain continuous  
5 financial assurance for environmental liability coverage in  
6 the amount of at least \$500,000 for that facility until ~~the~~  
7 ~~earlier of (i) January 1, 2030 2020 or (ii) the date the~~  
8 ~~Council determines the drycleaning facility is an inactive~~  
9 ~~drycleaning facility~~. Failure to comply with this requirement  
10 will result in the revocation of the drycleaning facility's  
11 existing license and in the inability of the drycleaning  
12 facility to obtain or renew a license under Section 60 of this  
13 Act.

14           (k) Effective January 1, 2020, owners and operators of  
15 inactive drycleaning facilities that are eligible for  
16 reimbursement from the Fund on that date shall, until January  
17 1, 2030, pay an annual \$3,000 administrative assessment to the  
18 Agency for the facility. Administrative assessments collected  
19 by the Agency under this subsection (k) shall be deposited into  
20 the Fund.

21 (Source: P.A. 96-774, eff. 1-1-10; 97-377, eff. 1-1-12.)

22 (415 ILCS 135/50)

23 Sec. 50. Cost recovery; enforcement.

24 (a) The Agency Council may seek recovery from a potentially  
25 responsible party liable for a release that is the subject of a

1 remedial action and for which the Fund has expended moneys for  
2 remedial action. The amount of recovery sought by the Agency  
3 ~~Council~~ shall be equal to all moneys expended by the Fund for  
4 and in connection with the remediation, including, but not  
5 limited to, reasonable attorney's ~~attorneys~~ fees and costs of  
6 litigation expended by the Fund in connection with the release.

7 (b) Except as provided in subsections (c) and (d):

8 (1) The Agency ~~Council~~ shall not seek recovery for  
9 expenses in connection with remedial action for a release  
10 from a claimant eligible for reimbursement except for any  
11 unpaid portion of the deductible.

12 (2) A claimant's liability for a release for which  
13 coverage is admitted under the insurance account shall not  
14 exceed the amount of the deductible, subject to the limits  
15 of insurance coverage.

16 (c) Notwithstanding subsection (b), the liability of a  
17 claimant to the Fund shall be the total costs of remedial  
18 action incurred by the Fund, as specified in subsection (a), if  
19 the claimant has not complied with the Environmental Protection  
20 Act, ~~and its rules or with~~ this Act, or ~~and its rules~~ adopted  
21 under either Act.

22 (d) Notwithstanding subsection (b), the liability of a  
23 claimant to the Fund shall be the total costs of remedial  
24 action incurred by the Fund, as specified in subsection (a), if  
25 the claimant received reimbursement from the Fund through  
26 misrepresentation or fraud, and the claimant shall be liable

1 for the amount of the reimbursement.

2 (e) Upon reimbursement by the Fund for remedial action  
3 under this Act, the rights of the claimant to recover payment  
4 from a potentially responsible party are assumed by the Agency  
5 ~~Council~~ to the extent the remedial action was paid by the Fund.  
6 A claimant is precluded from receiving double compensation for  
7 the same injury. A claimant may elect to permit the Agency  
8 ~~Council~~ to pursue the claimant's cause of action for an injury  
9 not compensated by the Fund against a potentially responsible  
10 party, provided the Attorney General or his or her designee  
11 determines the representation would not be a conflict of  
12 interest.

13 (f) This Section does not preclude, limit, or in any way  
14 affect any of the provisions of or causes of action pursuant to  
15 Section 22.2 of the Environmental Protection Act.

16 (g) Any cost recovery action commenced before July 1, 2020,  
17 by the Council, pursuant to this Section, may be prosecuted or  
18 continued by the Attorney General on and after that date.

19 (h) All costs recovered under this Section shall be  
20 deposited into the Fund.

21 (Source: P.A. 90-502, eff. 8-19-97.)

22 (415 ILCS 135/55)

23 Sec. 55. Limitation on actions; admissions.

24 (a) An award or reimbursement made from the Fund ~~by the~~  
25 ~~Council~~ under this Act shall be the claimant's exclusive method

1 for the recovery of the costs of drycleaning facility  
2 remediation.

3 (b) If a person conducts a remedial action activity for a  
4 release at a drycleaning facility site, whether or not the  
5 person files a claim under this Act, the claim and remedial  
6 action activity conducted are not evidence of liability or an  
7 admission of liability for any potential or actual  
8 environmental pollution or damage.

9 (Source: P.A. 90-502, eff. 8-19-97.)

10 (415 ILCS 135/60)

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

12 Sec. 60. Drycleaning facility license.

13 (a) No ~~On and after January 1, 1998,~~ no person shall  
14 operate a drycleaning facility in this State without a license  
15 issued by the Council or Agency. Until July 1, 2020, the  
16 license required under this subsection shall be issued by the  
17 Council. On and after July 1, 2020, the license required under  
18 this subsection shall be issued by the Agency.

19 (b) Beginning July 1, 2020, ~~The Council shall issue~~ an  
20 initial or renewal license shall be issued to a drycleaning  
21 facility on submission by an applicant of a completed form  
22 prescribed by the Agency and Council, proof of payment of the  
23 required fee to the Department of Revenue, and, if the  
24 drycleaning facility has previously received or is currently  
25 receiving reimbursement for the costs of a remedial action, as

1 defined in this Act, proof of compliance with subsection (j) of  
2 Section 40. The Agency shall make available on its website an  
3 electronic copy of the required license and license renewal  
4 applications. License ~~Beginning January 1, 2013,~~ license  
5 renewal application forms must include a certification by the  
6 applicant:

7 (1) that all hazardous waste stored at the drycleaning  
8 facility is stored in accordance with all applicable  
9 federal and state laws and regulations; ~~and~~

10 (2) that all hazardous waste transported from the  
11 drycleaning facility is transported in accordance with all  
12 applicable federal and state laws and regulations; and

13 (3) that the applicant has successfully completed all  
14 continuing education requirements adopted by the Board  
15 pursuant to Section 12 of the Drycleaner Environmental  
16 Response Trust Fund Act. Also, ~~beginning January 1, 2013,~~  
17 ~~license renewal applications must include copies of all~~  
18 ~~manifests for hazardous waste transported from the~~  
19 ~~drycleaning facility during the previous 12 months or since~~  
20 ~~the last submission of copies of manifests, whichever is~~  
21 ~~longer. If the Council does not receive a copy of a~~  
22 ~~manifest for a drycleaning facility within a 3-year period,~~  
23 ~~or within a shorter period as determined by the Council,~~  
24 ~~the Council shall make appropriate inquiry into the~~  
25 ~~management of hazardous waste at the facility and may share~~  
26 ~~the results of the inquiry with the Agency.~~



1 (c) ~~The On or after January 1, 2004,~~ the annual fees for  
2 licensure are as follows:

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

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

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

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

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

12 (5) \$4,500 ~~\$1,000~~ for a facility that uses (i) more  
13 than 200 gallons but not more than 250 gallons of  
14 chlorine-based or green drycleaning solvents annually,  
15 (ii) more than 1,000 gallons but not more than 1,250  
16 gallons annually of hydrocarbon-based solvents in a  
17 drycleaning machine equipped with a solvent reclaimer, or  
18 (iii) more than 2,000 gallons but not more than 2,500  
19 gallons annually of hydrocarbon-based drycleaning solvents  
20 in a drycleaning machine without a solvent reclaimer.

21 (6) \$5,000 ~~\$1,000~~ for a facility that uses (i) more  
22 than 250 gallons but not more than 300 gallons of  
23 chlorine-based or green drycleaning solvents annually,  
24 (ii) more than 1,250 gallons but not more than 1,500  
25 gallons annually of hydrocarbon-based solvents in a  
26 drycleaning machine equipped with a solvent reclaimer, or

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

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

13 (8) \$5,000 ~~\$1,500~~ for a facility that uses (i) more  
14 than 350 gallons but not more than 400 gallons of  
15 chlorine-based or green drycleaning solvents annually,  
16 (ii) more than 1,750 gallons but not more than 2,000  
17 gallons annually of hydrocarbon-based solvents in a  
18 drycleaning machine equipped with a solvent reclaimer, or  
19 (iii) more than 3,500 gallons but not more than 4,000  
20 gallons annually of hydrocarbon-based drycleaning solvents  
21 in a drycleaning machine without a solvent reclaimer.

22 (9) \$5,000 ~~\$1,500~~ for a facility that uses (i) more  
23 than 400 gallons but not more than 450 gallons of  
24 chlorine-based or green drycleaning solvents annually,  
25 (ii) more than 2,000 gallons but not more than 2,250  
26 gallons annually of hydrocarbon-based solvents in a

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

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

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

23 (12) \$5,000 ~~\$1,500~~ for a facility that uses (i) more  
24 than 550 gallons but not more than 600 gallons of  
25 chlorine-based or green drycleaning solvents annually,  
26 (ii) more than 2,750 gallons but not more than 3,000

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

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

14 (14) \$5,000 ~~\$1,500~~ for a facility that uses more than  
15 3,250 gallons but not more than 3,500 gallons annually of  
16 hydrocarbon-based solvents in a drycleaning machine  
17 equipped with a solvent reclaimer.

18 (15) \$5,000 ~~\$1,500~~ for a facility that uses more than  
19 3,500 gallons but not more than 3,750 gallons annually of  
20 hydrocarbon-based solvents used in a drycleaning machine  
21 equipped with a solvent reclaimer.

22 (16) \$5,000 ~~\$1,500~~ for a facility that uses more than  
23 3,750 gallons but not more than 4,000 gallons annually of  
24 hydrocarbon-based solvents in a drycleaning machine  
25 equipped with a solvent reclaimer.

26 (17) \$5,000 ~~\$1,500~~ for a facility that uses more than

1 4,000 gallons annually of hydrocarbon-based solvents in a  
2 drycleaning machine equipped with a solvent reclaimer.

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

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

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

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

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

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

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

1 (e) An operator of a drycleaning facility shall submit the  
2 appropriate application form provided by the Agency Council  
3 with the license fee in the form of cash, credit card, business  
4 check, or guaranteed remittance to the Department of Revenue.  
5 The Department may accept payment of the license fee under this  
6 Section by credit card only if the Department is not required  
7 to pay a discount fee charged by the credit card issuer. The  
8 license fee payment form and the actual license fee payment  
9 shall be administered by the Department of Revenue under rules  
10 adopted by that Department.

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

20 (g) (Blank).

21 (h) The Board Council and the Department of Revenue may  
22 adopt rules as necessary to administer the licensing  
23 requirements of this Act.

24 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
25 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.  
26 7-13-12; 97-1057, eff. 1-1-13.)

1 (415 ILCS 135/65)

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

3 Sec. 65. Drycleaning solvent tax.

4 (a) ~~A~~ ~~On and after January 1, 1998,~~ a tax is imposed upon  
5 the use of drycleaning solvent by a person engaged in the  
6 business of operating a drycleaning facility in this State at  
7 the rate of ~~\$10~~ ~~\$3.50~~ per gallon of perchloroethylene or other  
8 chlorinated drycleaning solvents used in drycleaning  
9 operations, ~~\$2~~ ~~\$0.35~~ per gallon of petroleum-based drycleaning  
10 solvent, and \$1.75 per gallon of green solvents, unless the  
11 green solvent is used at a virgin facility, in which case the  
12 rate is \$0.35 per gallon. The Board ~~may~~ ~~Council shall~~ determine  
13 by rule which products are chlorine-based solvents, which  
14 products are petroleum-based solvents, and which products are  
15 green solvents. All drycleaning solvents shall be considered  
16 chlorinated solvents unless the Board ~~Council~~ determines that  
17 the solvents are petroleum-based drycleaning solvents or green  
18 solvents.

19 (b) The tax imposed by this Act shall be collected from the  
20 purchaser at the time of sale by a seller of drycleaning  
21 solvents maintaining a place of business in this State and  
22 shall be remitted to the Department of Revenue under the  
23 provisions of this Act.

24 (c) The tax imposed by this Act that is not collected by a  
25 seller of drycleaning solvents shall be paid directly to the



1 Department of Revenue by the purchaser or end user who is  
2 subject to the tax imposed by this Act.

3 (d) No tax shall be imposed upon the use of drycleaning  
4 solvent if the drycleaning solvent will not be used in a  
5 drycleaning facility or if a floor stock tax has been imposed  
6 and paid on the drycleaning solvent. Prior to the purchase of  
7 the solvent, the purchaser shall provide a written and signed  
8 certificate to the drycleaning solvent seller stating:

9 (1) the name and address of the purchaser;

10 (2) the purchaser's signature and date of signing; and

11 (3) one of the following:

12 (A) that the drycleaning solvent will not be used  
13 in a drycleaning facility; or

14 (B) that a floor stock tax has been imposed and  
15 paid on the drycleaning solvent.

16 (e) On January 1, 1998, there is imposed on each operator  
17 of a drycleaning facility a tax on drycleaning solvent held by  
18 the operator on that date for use in a drycleaning facility.  
19 The tax imposed shall be the tax that would have been imposed  
20 under subsection (a) if the drycleaning solvent held by the  
21 operator on that date had been purchased by the operator during  
22 the first year of this Act.

23 (f) On or before the 25th day of the 1st month following  
24 the end of the calendar quarter, a seller of drycleaning  
25 solvents who has collected a tax pursuant to this Section  
26 during the previous calendar quarter, or a purchaser or end

1 user of drycleaning solvents required under subsection (c) to  
2 submit the tax directly to the Department, shall file a return  
3 with the Department of Revenue. The return shall be filed on a  
4 form prescribed by the Department of Revenue and shall contain  
5 information that the Department of Revenue reasonably  
6 requires, but at a minimum will require the reporting of the  
7 volume of drycleaning solvent sold to each licensed drycleaner.  
8 The Department of Revenue shall report quarterly to the Agency  
9 ~~Council~~ the volume of drycleaning solvent purchased for the  
10 quarter by each licensed drycleaner. Each seller of drycleaning  
11 solvent maintaining a place of business in this State who is  
12 required or authorized to collect the tax imposed by this Act  
13 shall pay to the Department the amount of the tax at the time  
14 when he or she is required to file his or her return for the  
15 period during which the tax was collected. Purchasers or end  
16 users remitting the tax directly to the Department under  
17 subsection (c) shall file a return with the Department of  
18 Revenue and pay the tax so incurred by the purchaser or end  
19 user during the preceding calendar quarter.

20 Except as provided in this Section, the seller of  
21 drycleaning solvents filing the return under this Section  
22 shall, at the time of filing the return, pay to the Department  
23 the amount of tax imposed by this Act less a discount of 1.75%,  
24 or \$5 per calendar year, whichever is greater. Failure to  
25 timely file the returns and provide to the Department the data  
26 requested under this Act will result in disallowance of the

1 reimbursement discount.

2 (g) The tax on drycleaning solvents used in drycleaning  
3 facilities and the floor stock tax shall be administered by  
4 Department of Revenue under rules adopted by that Department.

5 (h) No ~~On and after January 1, 1998, no~~ person shall  
6 knowingly sell or transfer drycleaning solvent to an operator  
7 of a drycleaning facility that is not licensed by the Agency  
8 ~~Council~~ under Section 60.

9 (i) The Department of Revenue may adopt rules as necessary  
10 to implement this Section.

11 (j) If any payment provided for in this Section exceeds the  
12 seller's liabilities under this Act, as shown on an original  
13 return, the seller may credit such excess payment against  
14 liability subsequently to be remitted to the Department under  
15 this Act, in accordance with reasonable rules adopted by the  
16 Department. If the Department subsequently determines that all  
17 or any part of the credit taken was not actually due to the  
18 seller, the seller's discount shall be reduced by an amount  
19 equal to the difference between the discount as applied to the  
20 credit taken and that actually due, and the seller shall be  
21 liable for penalties and interest on such difference.

22 (Source: P.A. 100-1171, eff. 1-4-19.)

23 (415 ILCS 135/69)

24 Sec. 69. Civil penalties.

25 (a) Except as otherwise provided in this Section, any

1 person who violates any provision of this Act, ~~or any rule~~  
2 adopted under this Act ~~regulation adopted by the Council,~~ or  
3 any license or registration or term or condition thereof, or  
4 that violates any Council, Board, or court order entered ~~of the~~  
5 ~~Council~~ under this Act, shall be liable for a civil penalty as  
6 provided in this Section. The penalties may, upon order of the  
7 Board ~~the Council~~ or a court of competent jurisdiction, be made  
8 payable to the Drycleaner Environmental Response Trust Fund, to  
9 be used in accordance with the provisions of this ~~the~~  
10 ~~Drycleaner Environmental Response Trust Fund Act.~~

11 (b) Notwithstanding the provisions of subsection (a) of  
12 this Section:

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

1 after the license fee is due and until the license fee is  
2 paid, \$5 for each day during which the license fee is not  
3 paid.

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

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

13 (4) Any person that violates subsection (k) of Section  
14 40 of this Act may be assessed a civil penalty in an amount  
15 equal to 3 times the total in administrative assessments  
16 owed by that person under that subsection.

17 (c) (Blank). ~~The Council shall issue an administrative~~  
18 ~~assessment setting forth any penalties it imposes under~~  
19 ~~subsection (b) of this Section and shall serve notice of the~~  
20 ~~assessment upon the party assessed. The Council's~~  
21 ~~determination shall be deemed correct and shall serve as~~  
22 ~~evidence of the correctness of the Council's determination that~~  
23 ~~a penalty is due. Proof of a determination by the Council may~~  
24 ~~be made at any administrative hearing or in any legal~~  
25 ~~proceeding by a reproduced copy or computer print out of the~~  
26 ~~Council's record relating thereto in the name of the Council~~

1 ~~under the certificate of the Council.~~

2 ~~If reproduced copies of the Council's records are offered~~  
3 ~~as proof of a penalty assessment, the Council must certify that~~  
4 ~~those copies are true and exact copies of records on file with~~  
5 ~~the Council. If computer print outs of the Council's records~~  
6 ~~are offered as proof of a determination, the Council Chairman~~  
7 ~~must certify that those computer print outs are true and exact~~  
8 ~~representations of records properly entered into standard~~  
9 ~~electronic computing equipment, in the regular course of the~~  
10 ~~Council's business, at or reasonably near the time of the~~  
11 ~~occurrence of the facts recorded, from trustworthy and reliable~~  
12 ~~information. A certified reproduced copy or certified computer~~  
13 ~~print out shall, without further proof, be admitted into~~  
14 ~~evidence in any administrative or legal proceeding and is prima~~  
15 ~~facie proof of the correctness of the Council's determination.~~

16 ~~Whenever notice is required by this Section, the notice may~~  
17 ~~be given by United States registered or certified mail,~~  
18 ~~addressed to the person concerned at his last known address,~~  
19 ~~and proof of mailing shall be sufficient for the purposes of~~  
20 ~~this Act. Notice of any hearing provided for by this Act shall~~  
21 ~~be given not less than 7 days before the day fixed for the~~  
22 ~~hearing. Following the initial contact of a person represented~~  
23 ~~by an attorney, the Council shall not contact that person but~~  
24 ~~shall only contact the attorney representing that person.~~

25 (d) The penalties provided for in this Section may be  
26 recovered in a civil action instituted by the Attorney General

1 in the name of the people of the State of Illinois.

2 (e) The Attorney General may also, at the request of the  
3 Agency or the Department of Revenue, Council or on his or her  
4 own motion, institute a civil action for an injunction,  
5 prohibitory or mandatory, to restrain violations of this Act,  
6 any rule or regulation adopted under this Act, any license or  
7 registration or term or condition of a license or registration,  
8 or any Council, Board, or court order entered pursuant to this  
9 Act, or to require other actions as may be necessary to address  
10 violations thereof.

11 (f) Without limiting any other authority which may exist  
12 for the awarding of attorney's fees and costs, the Board ~~the~~  
13 ~~Council,~~ or a court of competent jurisdiction, may award costs  
14 and reasonable attorney's fees, including the reasonable costs  
15 of expert witnesses and consultants, to the Attorney General in  
16 a case where the Attorney General has prevailed against a  
17 person who has committed a willful, knowing, or repeated  
18 violation of this Act, any rule or regulation adopted under  
19 this Act, or any license or registration or term or condition  
20 of a license or registration, or any Council, Board, or court  
21 order entered pursuant to this Act. Any funds collected under  
22 this subsection (f) in which the Attorney General has prevailed  
23 shall be deposited in the Drycleaner Environmental Response  
24 Trust Fund created in Section 10 of this Act.

25 (g) All final orders imposing civil penalties under this  
26 Section shall prescribe the time for payment of the penalties.

1 If any penalty is not paid within the time prescribed, interest  
2 on the penalty shall be paid, at the rate set forth in Section  
3 3-2 of the Illinois Uniform Penalty and Interest Act, for the  
4 period from the date payment is due until the date payment is  
5 received. However, if the time for payment is stayed during the  
6 pendency of an appeal, interest shall not accrue during the  
7 stay.

8 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11.)

9 (415 ILCS 135/69.5 new)

10 Sec. 69.5. Criminal penalties. In addition to all other  
11 civil and criminal penalties provided by law, any person who  
12 knowingly makes to the Agency or Department of Revenue an oral  
13 or written statement that is false, fictitious, or fraudulent  
14 and that is materially related to or required by this Act or a  
15 rule adopted under this Act commits a Class 4 felony, and each  
16 such statement or writing shall be considered a separate Class  
17 4 felony. A person who, after being convicted under this  
18 Section, violates this Section a second or subsequent time  
19 commits a Class 3 felony.

20 (415 ILCS 135/77 new)

21 Sec. 77. Review of final decisions.

22 (a) All final Agency decisions made pursuant to this Act  
23 shall be subject to review in the manner provided for the  
24 review of permit decisions under Section 40 of the



1 Environmental Protection Act.

2 (b) Final administrative decisions made under this Act on  
3 or before the effective date of this Section by the Council,  
4 the Administrator of the Fund, or an administrative law judge  
5 of the Council are subject to review in accordance with the law  
6 in effect at the time of the decision, except that (i) the  
7 Director of the Agency shall conduct reviews to be performed by  
8 the Administrator of the Fund and (ii) the review of decisions  
9 of the Council and decisions of administrative law judges of  
10 the Council shall be conducted in accordance with the  
11 Administrative Review Law.

12 Section 15. The Drycleaner Environmental Response Trust  
13 Fund Act is amended by adding Sections 12 and 31 and changing  
14 Sections 45 and 85 as follows:

15 (415 ILCS 135/12 new)

16 Sec. 12. Transfer of Council functions to the Agency.

17 (a) On July 1, 2020, the Council is abolished, and, except  
18 as otherwise provided in this Section, all powers, duties,  
19 rights, and responsibilities of the Council are transferred to  
20 the Agency. On and after that date, all of the general powers  
21 necessary and convenient to implement and administer this Act  
22 are, except as otherwise provided in this Section, hereby  
23 vested in and may be exercised by the Agency, including, but  
24 not limited to, the powers described in Section 25 of this Act.

1       (b) No later than June 30, 2020, the Administrator of the  
2 Fund shall prepare on behalf of the Council and deliver to the  
3 Agency a report that lists:

4           (1) the name, address, and telephone number of each  
5 claimant who timely filed an application for remedial  
6 action account benefits by June 30, 2005, and is eligible  
7 for reimbursement from the Fund under Section 40 of this  
8 Act for costs of remediation of a release of drycleaning  
9 solvents from a drycleaning facility;

10           (2) the address of the drycleaning facility where the  
11 release occurred and the names, addresses, and telephone  
12 numbers of the owners and operators of the facility, as  
13 well as whether the drycleaning facility was an active or  
14 inactive drycleaning facility at the time that person  
15 applied for remedial action benefits under Section 40 of  
16 this Act;

17           (3) the deductible that applies with respect to the  
18 release at the facility and the amount of the deductible  
19 that has been satisfied;

20           (4) the total amount that has been reimbursed from the  
21 Fund for the release at the facility;

22           (5) costs approved for reimbursement from the Fund on  
23 or before June 30, 2020, but which have not been reimbursed  
24 from the Fund, for the release at the facility;

25           (6) for each year during which insurance coverage was  
26 provided under this Act, the name, address, and telephone

1 number of each person who obtained coverage and the names  
2 and addresses of the drycleaning facilities for which that  
3 person obtained coverage;

4 (7) the sites for which site investigations required  
5 under subsection (d) of Section 45 have been deemed  
6 adequate by the Council;

7 (8) the insurance claims under Section 45 of this Act  
8 that are pending; and

9 (9) the appeals under this Act that are pending.

10 (c) No later than June 30, 2020, all books, records,  
11 papers, documents, property (real and personal), contracts,  
12 causes of action, and pending business pertaining to the  
13 powers, duties, rights, and responsibilities transferred by  
14 this amendatory Act, including, but not limited to, material in  
15 electronic or magnetic format and necessary computer hardware  
16 and software, shall be transferred to the Agency, regardless of  
17 whether they are in the possession of the Council, an  
18 independent contractor who serves as Administrator of the Fund,  
19 or any other person.

20 (d) At the direction of the Governor or on July 1, 2020,  
21 whichever is earlier, all unexpended appropriations and  
22 balances and other funds available for use by the Council, as  
23 determined by the Director of the Governor's Office of  
24 Management and Budget, shall be transferred for use by the  
25 Agency in accordance with this Act, regardless of whether they  
26 are in the possession of the Council, an independent contractor

1 who serves as Administrator of the Fund, or any other person.  
2 Unexpended balances so transferred shall be expended by the  
3 Agency only for the purpose for which the appropriations were  
4 originally made.

5 (e) The transfer of powers, duties, rights, and  
6 responsibilities pursuant to this amendatory Act of the 101st  
7 General Assembly does not affect any act done, ratified, or  
8 canceled or any right accruing or established or any action or  
9 proceeding had or commenced by the Council or the Administrator  
10 of the Fund before July 1, 2020; such actions may be prosecuted  
11 and continued by the Attorney General.

12 (f) Whenever reports or notices are required to be made or  
13 given or papers or documents furnished or served by any person  
14 to or upon the Council or the Administrator of the Fund in  
15 connection with any of the powers, duties, rights, or  
16 responsibilities transferred by this amendatory Act of the  
17 101st General Assembly to the Agency, the same shall be made,  
18 given, furnished, or served in the same manner to or upon the  
19 Agency.

20 (g) All rules duly adopted by the Council before July 1,  
21 2020 shall become rules of the Board on July 1, 2020, and  
22 beginning on that date, the Agency is authorized to propose to  
23 the Board for adoption, and the Board may adopt, amendments to  
24 the transferred rules, as well as new rules, for carrying out,  
25 administering, and enforcing the provisions of this Act.

26 (h) In addition to the rules described above, the Board is

1 hereby authorized to adopt rules establishing minimum  
2 continuing education and compliance program requirements for  
3 owners and operators of active drycleaning facilities. Board  
4 rules establishing minimum continuing education requirements  
5 shall, among other things, identify the minimum number of  
6 continuing education credits that must be obtained and describe  
7 the specific subjects to be covered in continuing education  
8 programs. Board rules establishing minimum compliance program  
9 requirements shall, among other things, identify the type of  
10 inspections that must be conducted. The rules adopted by the  
11 Board under this subsection (h) may also provide an exemption  
12 from continuing education requirements for persons who have,  
13 for at least 10 consecutive years on or after January 1, 2009,  
14 owned or operated a drying facility licensed under this Act.

15 (i) For the purposes of the Successor Agency Act and  
16 Section 9b of the State Finance Act, the Agency is the  
17 successor to the Council beginning July 1, 2020.

18 (415 ILCS 135/31 new)

19 Sec. 31. Prohibition on renewal of contract with Fund  
20 Administrator. On and after the effective date of this  
21 amendatory Act of the 101st General Assembly, the Council shall  
22 not enter into or renew any contract or agreement with a person  
23 to act as the Administrator of the Fund for a term that extends  
24 beyond June 30, 2020.

1 (415 ILCS 135/45)

2 Sec. 45. Insurance account.

3 (a) The insurance account shall offer financial assurance  
4 for a qualified owner or operator of a drycleaning facility  
5 under the terms and conditions provided for under this Section.  
6 Coverage may be provided to either the owner or the operator of  
7 a drycleaning facility. Neither the Agency nor the ~~The~~ Council  
8 is ~~not~~ required to resolve whether the owner or operator, or  
9 both, are responsible for a release under the terms of an  
10 agreement between the owner and operator.

11 (b) The source of funds for the insurance account shall be  
12 as follows:

13 (1) ~~Moneys appropriated to the Council or~~ moneys  
14 allocated to the insurance account; ~~by the Council~~  
15 ~~according to the Fund budget approved by the Council.~~

16 (2) moneys ~~Moneys~~ collected as an insurance premium,  
17 including service fees, if any; and ~~and~~

18 (3) investment ~~Investment~~ income attributed to the  
19 insurance account ~~by the Council.~~

20 (c) An owner or operator may purchase coverage of up to  
21 \$500,000 per drycleaning facility subject to the terms and  
22 conditions under this Section and those adopted by the Council  
23 before July 1, 2020 or by the Board on or after that date.  
24 Coverage shall be limited to remedial action costs associated  
25 with soil and groundwater contamination resulting from a  
26 release of drycleaning solvent at an insured drycleaning

1 facility, including third-party liability for soil and  
2 groundwater contamination. Coverage is not provided for a  
3 release that occurred before the date of coverage.

4 (d) An owner or operator, subject to underwriting  
5 requirements and terms and conditions deemed necessary and  
6 convenient by the Council for periods before July 1, 2020 and  
7 subject to terms and conditions deemed necessary and convenient  
8 by the Board for periods on or after that date, may purchase  
9 insurance coverage from the insurance account provided that ~~the~~  
10 ~~drycleaning facility to be insured meets the following~~  
11 ~~conditions:~~

12 (1) a site investigation designed to identify soil and  
13 groundwater contamination resulting from the release of a  
14 drycleaning solvent has been completed for the drycleaning  
15 facility to be insured and the site investigation has been  
16 found adequate by the Council before July 1, 2020 or by the  
17 Agency on or after that date . ~~The Council shall determine~~  
18 ~~if the site investigation is adequate. This investigation~~  
19 ~~must be completed by June 30, 2006. For drycleaning~~  
20 ~~facilities that apply for insurance coverage after June 30,~~  
21 ~~2006, the site investigation must be completed prior to~~  
22 ~~issuance of insurance coverage; and~~

23 (2) the drycleaning facility is participating in and  
24 meets all ~~requirements of a~~ drycleaning compliance program  
25 requirements adopted by the Board pursuant Section 12 of  
26 the Drycleaner Environmental Response Trust Fund Act

1 ~~approved by the Council.~~

2 (3) the drycleaning facility to be insured is licensed  
3 under Section 60 of this Act and all fees due under that  
4 Section have been paid;

5 (4) the owner or operator of the drycleaning facility  
6 to be insured provides proof to the Agency or Council that:

7 (A) all drycleaning solvent wastes generated at  
8 the facility are managed in accordance with applicable  
9 State waste management laws and rules;

10 (B) there is no discharge of wastewater from  
11 drycleaning machines, or of drycleaning solvent from  
12 drycleaning operations, to a sanitary sewer or septic  
13 tank, to the surface, or in groundwater;

14 (C) the facility has a containment dike or other  
15 containment structure around each machine, item of  
16 equipment, drycleaning area, and portable waste  
17 container in which any drycleaning solvent is  
18 utilized, that is capable of containing leaks, spills,  
19 or releases of drycleaning solvent from that machine,  
20 item, area, or container, including: (i) 100% of the  
21 drycleaning solvent in the largest tank or vessel; (ii)  
22 100% of the drycleaning solvent of each item of  
23 drycleaning equipment; and (iii) 100% of the  
24 drycleaning solvent of the largest portable waste  
25 container or at least 10% of the total volume of the  
26 portable waste containers stored within the



1           containment dike or structure, whichever is greater;

2           (D) those portions of diked floor surfaces at the  
3           facility on which a drycleaning solvent may leak,  
4           spill, or otherwise be released are sealed or otherwise  
5           rendered impervious;

6           (E) all drycleaning solvent is delivered to the  
7           facility by means of closed, direct-coupled delivery  
8           systems; and

9           (F) the drycleaning facility is in compliance with  
10          paragraph (2) of subsection (d) of this Section; and

11          (5) the owner or operator of the drycleaning facility  
12          to be insured has paid all insurance premiums for insurance  
13          coverage provided under this Section.

14          Petroleum underground storage tank systems that are in  
15          compliance with applicable USEPA and State Fire Marshal  
16          rules, including, but not limited to, leak detection system  
17          rules, are exempt from the secondary containment  
18          requirement in subparagraph (C) of paragraph (3) of this  
19          subsection (d).

20          (e) The annual premium for insurance coverage shall be:

21                 (1) For the year July 1, 1999 through June 30, 2000,  
22                 \$250 per drycleaning facility.

23                 (2) For the year July 1, 2000 through June 30, 2001,  
24                 \$375 per drycleaning facility.

25                 (3) For the year July 1, 2001 through June 30, 2002,  
26                 \$500 per drycleaning facility.

1 (4) For the year July 1, 2002 through June 30, 2003,  
2 \$625 per drycleaning facility.

3 (5) For subsequent years, an owner or operator applying  
4 for coverage shall pay an annual actuarially-sound  
5 insurance premium for coverage by the insurance account.  
6 The Council may approve Fund coverage through the payment  
7 of a premium established on an actuarially-sound basis,  
8 taking into consideration the risk to the insurance account  
9 presented by the insured. Risk factor adjustments utilized  
10 to determine actuarially-sound insurance premiums should  
11 reflect the range of risk presented by the variety of  
12 drycleaning systems, monitoring systems, drycleaning  
13 volume, risk management practices, and other factors as  
14 determined by the Council. As used in this item,  
15 "actuarially sound" is not limited to Fund premium revenue  
16 equaling or exceeding Fund expenditures for the general  
17 drycleaning facility population. Actuarially-determined  
18 premiums shall be published at least 180 days prior to the  
19 premiums becoming effective.

20 (6) For the year July 1, 2020 through June 30, 2021,  
21 and for subsequent years through June 30, 2029, \$1,500 per  
22 drycleaning facility per year.

23 (7) For July 1, 2029 through January 1, 2030, \$750 per  
24 drycleaning facility.

25 (e-5) (Blank). ~~If an insurer sends a second notice to an~~  
26 ~~owner or operator demanding immediate payment of a past due~~

1 ~~premium for insurance services provided pursuant to this Act,~~  
2 ~~the demand for payment must offer a grace period of not less~~  
3 ~~than 30 days during which the owner or operator shall be~~  
4 ~~allowed to pay any premiums due. If payment is made during that~~  
5 ~~period, coverage under this Act shall not be terminated for~~  
6 ~~non payment by the insurer.~~

7 (e-6) (Blank). ~~If an insurer terminates an owner or~~  
8 ~~operator's coverage under this Act, the insurer must send a~~  
9 ~~written notice to the owner or operator to inform him or her of~~  
10 ~~the termination of that coverage, and that notice must include~~  
11 ~~instructions on how to seek reinstatement of coverage, as well~~  
12 ~~as information concerning any premiums or penalties that might~~  
13 ~~be due.~~

14 (f) If coverage is purchased for any part of a year, the  
15 purchaser shall pay the full annual premium. The insurance  
16 premium is fully earned upon issuance of the insurance policy.

17 (g) Any ~~The~~ insurance coverage provided under this Section  
18 shall be subject to ~~provided with~~ a \$10,000 deductible ~~policy~~.

19 (h) A future repeal of this Section shall not terminate the  
20 obligations under this Section or authority necessary to  
21 administer the obligations until the obligations are  
22 satisfied, including but not limited to the payment of claims  
23 filed prior to the effective date of any future repeal against  
24 the insurance account until moneys in the account are  
25 exhausted. Upon exhaustion of the moneys in the account, any  
26 remaining claims shall be invalid. If moneys remain in the

1 account following satisfaction of the obligations under this  
2 Section, the remaining moneys and moneys due the account shall  
3 be deposited in the remedial action account ~~used to assist~~  
4 ~~current insureds to obtain a viable insuring mechanism as~~  
5 ~~determined by the Council after public notice and opportunity~~  
6 ~~for comment.~~

7 (Source: P.A. 98-327, eff. 8-13-13.)

8 (415 ILCS 135/85)

9 Sec. 85. Repeal of fee and tax provisions. Sections 60 and  
10 65 of this Act are repealed on January 1, 2030 ~~2020~~.

11 (Source: P.A. 93-201, eff. 1-1-04.)

12 (415 ILCS 135/15 rep.)

13 (415 ILCS 135/20 rep.)

14 (415 ILCS 135/30 rep.)

15 (415 ILCS 135/75 rep.)

16 (415 ILCS 135/80 rep.)

17 Section 20. The Drycleaner Environmental Response Trust  
18 Fund Act is amended by repealing Sections 15, 20, 30, 75, and  
19 80.

20 Section 99. Effective date. This Act takes effect July 1,  
21 2020.