



Sen. Iris Y. Martinez

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LRB101 07423 LNS 59941 a

1 AMENDMENT TO SENATE BILL 171

2 AMENDMENT NO. _____. Amend Senate Bill 171 by replacing
3 everything after the enacting clause with the following:

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.

1 "Primary control system" means a refrigerated condenser or
2 an equivalent closed-loop vapor recovery system that reduces
3 the concentration of perchloroethylene in the recirculating
4 air of a perchloroethylene drycleaning machine.

5 "Refrigerated condenser" means a closed-loop vapor
6 recovery system into which perchloroethylene vapors are
7 introduced and trapped by cooling below the dew point of the
8 perchloroethylene.

9 "Secondary control system" means a device or apparatus that
10 reduces the concentration of perchloroethylene in the
11 recirculating air of a perchloroethylene drycleaning machine
12 at the end of the drying cycle beyond the level achievable with
13 a refrigerated condenser alone.

14 (b) Beginning January 1, 2013:

15 (1) Perchloroethylene drycleaning machines in
16 operation on the effective date of this Section that have a
17 primary control system but not a secondary control system
18 can continue to be used until the end of their useful life,
19 provided that perchloroethylene drycleaning machines that
20 do not have a secondary control system cannot be operated
21 at a facility other than the facility at which they were
22 located on the effective date of this Section.

23 (2) Except as allowed under paragraph (1) of subsection
24 (b) of this Section, no person shall install or operate a
25 perchloroethylene drycleaning machine unless the machine
26 has a primary control system and a secondary control

1 system.

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

4 (1) During the operation of any perchloroethylene
5 drycleaning machine, a person who has successfully
6 completed all continuing education requirements adopted by
7 the Board pursuant to Section 12 of the Drycleaner
8 Environmental Response Trust Fund Act ~~with the following~~
9 ~~training~~ is present at the facility where the machine is
10 located. ÷

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

21 ~~(B) Once every 4 years after completion of the~~
22 ~~initial environmental training course, successful~~
23 ~~completion of a refresher environmental training~~
24 ~~course that is approved by the Dry Cleaner~~
25 ~~Environmental Response Trust Fund Council, in~~
26 ~~consultation with the Agency and representatives of~~

1 ~~the drycleaning industry, as providing (i) appropriate~~
2 ~~review and updates on drycleaning best management~~
3 ~~practices, including, but not limited to, reducing~~
4 ~~solvent air emissions, reducing solvent spills and~~
5 ~~leaks, protecting groundwater, and promoting the~~
6 ~~efficient use of solvents, and (ii) information on~~
7 ~~drycleaning solvents, technologies, and alternatives~~
8 ~~that do not utilize perchloroethylene.~~

9 (2) For drycleaning facilities where one or more
10 perchloroethylene drycleaning machines are used, proof of
11 successful completion of all the training required by the
12 Board pursuant to Section 12 of the Drycleaner
13 Environmental Response Trust Fund Act ~~under paragraph (1)~~
14 ~~of subsection (c) of this Section~~ is maintained at the
15 drycleaning facility. Proof of successful completion of
16 the training must be made available for inspection and
17 copying by the Agency or units of local government during
18 normal business hours. Training used to satisfy paragraph
19 (3) (2) of subsection (b) (d) of Section 60 45 of the
20 Drycleaner Environmental Response Trust Fund Act may also
21 be used to satisfy training requirements under ~~paragraph~~
22 ~~(1) of subsection (c) of this Section~~ to the extent that
23 the training ~~it~~ meets the requirements of the Board rules
24 ~~paragraph (1) of subsection (c) of this Section.~~

25 (3) All of the following secondary containment
26 measures are in place:

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

24 (B) Those portions of diked floor surfaces on which
25 a drycleaning solvent may leak, spill, or otherwise be
26 released have been sealed or otherwise rendered

1 impervious.

2 (C) All chlorine-based drycleaning solvent is
3 delivered to the drycleaning facility by means of
4 closed, direct-coupled delivery systems. ~~The Dry
5 Cleaner Environmental Response Trust Fund Council may
6 adopt rules specifying methods of delivery of solvents
7 other than chlorine based solvents to drycleaning
8 facilities. Solvents other than chlorine based
9 solvents must be delivered to drycleaning facilities
10 in accordance with rules adopted by the Dry Cleaner
11 Environmental Response Trust Fund Council.~~

12 (d) (Blank). ~~Manufacturers of drycleaning solvents or
13 other cleaning agents used as alternatives to
14 perchloroethylene drycleaning that are sold or offered for sale
15 in Illinois must, in accordance with Agency rules, provide to
16 the Agency sufficient information to allow the Agency to
17 determine whether the drycleaning solvents or cleaning agents
18 may pose negative impacts to human health or the environment.
19 These alternatives shall include, but are not limited to,
20 drycleaning solvents or other cleaning agents used in
21 solvent-based cleaning, carbon dioxide based cleaning, and
22 professional wet cleaning methods. The information shall
23 include, but is not limited to, information regarding the
24 physical and chemical properties of the drycleaning solvents or
25 cleaning agents and toxicity data. No later than July 1, 2015,
26 the Agency shall adopt in accordance with the Illinois~~

1 ~~Administrative Procedure Act rules specifying the information~~
2 ~~that manufacturers must submit under this subsection (d). The~~
3 ~~rules must include, but shall not be limited to, a deadline for~~
4 ~~submission of the information to the Agency. No later than July~~
5 ~~1, 2018, the Agency shall post information resulting from its~~
6 ~~review of the drycleaning solvents and cleaning agents on the~~
7 ~~Agency's website.~~

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

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

17 Section 10. The Drycleaner Environmental Response Trust
18 Fund Act is amended by changing Sections 5, 10, 25, 40, 50, 55,
19 60, 65, and 69, and by adding Sections 69.5 and 77 as follows:

20 (415 ILCS 135/5)

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

22 ~~(a)~~ "Active drycleaning facility" means a drycleaning
23 facility actively engaged in drycleaning operations and
24 licensed under Section 60 of this Act.

1 ~~(b)~~ "Agency" means the Illinois Environmental Protection
2 Agency.

3 "Board" means the Illinois Pollution Control Board.

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

8 ~~(d)~~ "Council" means the Drycleaner Environmental Response
9 Trust Fund Council.

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

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

15 (1) a facility located on a United States military
16 base;

17 (2) an industrial laundry, commercial laundry, or
18 linen supply facility;

19 (3) a prison or other penal institution that engages in
20 drycleaning only as part of a Correctional Industries
21 program to provide drycleaning to persons who are
22 incarcerated in a prison or penal institution or to
23 resident patients of a State-operated mental health
24 facility;

25 (4) a not-for-profit hospital or other health care
26 facility; or a

1 (5) a facility located or formerly located on federal
2 or State property.

3 ~~(g)~~ "Drycleaning operations" means drycleaning of apparel
4 and household fabrics for the general public, as described in
5 Standard Industrial Classification Industry No. 7215 and No.
6 7216 in the Standard Industrial Classification Manual (SIC) by
7 the Technical Committee on Industrial Classification.

8 ~~(h)~~ "Drycleaning solvent" means any and all nonaqueous
9 solvents, including but not limited to a chlorine-based or
10 petroleum-based formulation or product, including green
11 solvents, that are used as a primary cleaning agent in
12 drycleaning operations.

13 ~~(i)~~ "Emergency" or "emergency action" means a situation or
14 an immediate response to a situation to protect public health
15 or safety. "Emergency" or "emergency action" does not mean
16 removal of contaminated soils, recovery of free product, or
17 financial hardship. An "emergency" or "emergency action" would
18 normally be expected to be directly related to a sudden event
19 or discovery and would last until the threat to public health
20 is mitigated.

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

25 ~~(k)~~ "Inactive drycleaning facility" means a drycleaning
26 facility that is not being used for drycleaning operations and

1 is not registered under this Act.

2 ~~(1)~~ "Maintaining a place of business in this State" or any
3 like term means (1) having or maintaining within this State,
4 directly or through a subsidiary, an office, distribution
5 facility, distribution house, sales house, warehouse, or other
6 place of business or (2) operating within this State as an
7 agent or representative for a person or a person's subsidiary
8 engaged in the business of selling to persons within this
9 State, irrespective of whether the place of business or agent
10 or other representative is located in this State permanently or
11 temporary, or whether the person or the person's subsidiary
12 engages in the business of selling in this State.

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

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

19 ~~(o)~~ "Owner" means (1) a person who owns or has possession
20 or control of a drycleaning facility at the time a release is
21 discovered, regardless of whether the facility remains in
22 operation or (2) a parent corporation of the person under item
23 (1) of this subdivision.

24 ~~(p)~~ "Parent corporation" means a business entity or other
25 business arrangement that has elements of common ownership or
26 control or that uses a long-term contractual arrangement with a

1 person to avoid direct responsibility for conditions at a
2 drycleaning facility.

3 ~~(g)~~ "Person" means an individual, trust, firm, joint stock
4 company, corporation, consortium, joint venture, or other
5 commercial entity.

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

8 ~~(s)~~ "Release" means any spilling, leaking, emitting,
9 discharging, escaping, leaching, or dispersing of drycleaning
10 solvents from a drycleaning facility to groundwater, surface
11 water, or subsurface soils.

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

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

19 ~~(v)~~ "Service provider" means a consultant, testing
20 laboratory, monitoring well installer, soil boring contractor,
21 other contractor, lender, or any other person who provides a
22 product or service for which a claim for reimbursement has been
23 or will be filed against the Fund ~~remedial account or insurance~~
24 ~~account~~, or a subcontractor of such a person.

25 ~~(w)~~ "Virgin facility" means a drycleaning facility that has
26 never had chlorine-based or petroleum-based drycleaning

1 solvents stored or used at the property prior to it becoming a
2 green solvent drycleaning facility.

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

4 (415 ILCS 135/10)

5 Sec. 10. Drycleaner Environmental Response Trust Fund.

6 (a) The Drycleaner Environmental Response Trust Fund is
7 created as a special fund in the State Treasury. Moneys
8 deposited into the Fund shall be used by the Agency ~~solely~~ for
9 the purposes of ~~the Council and for other purposes as provided~~
10 ~~in~~ this Act. The Fund shall include moneys credited to the Fund
11 under this Act and other moneys that by law may be credited to
12 the Fund. The State Treasurer may invest moneys ~~Funds~~ deposited
13 into the Fund ~~at the direction of the Council~~. Interest, income
14 from the investments, and other income earned by the Fund shall
15 be credited to and deposited into the Fund.

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

1 The Fund may be divided into different accounts with
2 different depositories to fulfill the purposes of the Act ~~as~~
3 ~~determined by the Council.~~

4 Moneys in the Fund at the end of a State fiscal year shall
5 be carried forward to the next fiscal year and shall not revert
6 to the General Revenue Fund.

7 (b) The specific purposes of the Fund include, but are not
8 limited to, the following:

9 (1) To establish an account to fund remedial action of
10 drycleaning solvent releases from drycleaning facilities
11 as provided by Section 40.

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

15 (c) The State, the General Revenue Fund, and any other Fund
16 of the State, other than the Drycleaner Environmental Response
17 Trust Fund, shall not be liable for a claim or cause of action
18 in connection with a drycleaning facility not owned or operated
19 by the State or an agency of the State. All expenses incurred
20 by the Fund shall be payable solely from the Fund and no
21 liability or obligation shall be imposed upon the State. The
22 State is not liable for a claim presented against the Fund.

23 (d) The liability of the Fund is limited to the extent of
24 coverage provided by the account under which a claim is
25 submitted, subject to the terms and conditions of that
26 coverage. The liability of the Fund is further limited by the

1 moneys made available to the Fund, and no remedy shall be
2 ordered that would require the Fund to exceed its then current
3 funding limitations to satisfy an award or which would restrict
4 the availability of moneys for higher priority sites.

5 (e) Nothing in this Act shall be construed to limit,
6 restrict, or affect the authority and powers of the Agency or
7 another State agency or statute unless the State agency or
8 statute is specifically referenced and the limitation is
9 clearly set forth in this Act.

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

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

16 (2) performing investigative or remedial actions.

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

18 (415 ILCS 135/25)

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

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

25 (1) Take actions and enter into agreements necessary

1 to:

2 (A) reimburse claimants for eligible remedial
3 action expenses; ~~, assist the Agency~~

4 (B) ~~to~~ protect the environment from releases for
5 which claimants are eligible for reimbursement under
6 this Act by, among other things, performing
7 investigative, remedial, or other appropriate actions
8 in response to those releases; and

9 (C) reduce costs associated with remedial actions.
10 ~~, and establish and implement an insurance program.~~

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

13 (3) (Blank). ~~Purchase, construct, improve, furnish,~~
14 ~~equip, lease, option, sell, exchange, or otherwise dispose~~
15 ~~of one or more improvements under the terms it determines.~~
16 ~~The Council may define "improvements" by rule for purposes~~
17 ~~of this Act.~~

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

23 (5) (Blank). ~~Contract for the acquisition or~~
24 ~~construction of one or more improvements or parts of one or~~
25 ~~more improvements or for the leasing, subleasing, sale, or~~
26 ~~other disposition of one or more improvements in a manner~~

1 ~~the Council determines.~~

2 (6) (Blank). ~~Cooperate with the Agency in the~~
3 ~~implementation and administration of this Act to minimize~~
4 ~~unnecessary duplication of effort, reporting, or paperwork~~
5 ~~and to maximize environmental protection within the~~
6 ~~funding limits of this Act.~~

7 (7) Except as otherwise provided by law, inspect any
8 document in the possession of an owner, operator, service
9 provider, or any other person if the document is relevant
10 to a claim for reimbursement under this Section or may
11 inspect a drycleaning facility for which a claim for
12 benefits under this Act has been submitted.

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

25 (c) The Agency shall, in accordance with Board rules,
26 ~~Council may~~ prioritize the expenditure of funds from the

1 remedial action account whenever it determines that there are
2 not sufficient funds to settle all current claims. In
3 prioritizing, the Agency shall ~~Council may~~ consider, among
4 other things, the following:

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

7 (2) the reduction of risk to human health derived from
8 remedial action compared to the cost of the remedial
9 action;

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

12 (4) whether the claimant is currently licensed,
13 insured, and has paid all fees and premiums due under this
14 Act; and

15 (5) ~~(4)~~ other factors as determined by the Board
16 Council.

17 (d) The Board may ~~Council shall~~ adopt rules allowing the
18 direct payment from the Fund to a contractor who performs
19 remediation. The rules concerning the direct payment shall
20 include a provision that any applicable deductible must be paid
21 by the drycleaning facility prior to any direct payment from
22 the Fund.

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

26 (f) The Agency may, in accordance with constitutional

1 limitations, enter at all reasonable times upon any private or
2 public property for the purpose of inspecting and investigating
3 to ascertain possible violations of this Act, any rule adopted
4 under this Act, or any order entered pursuant to this Act.

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

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

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

24 (415 ILCS 135/40)

25 Sec. 40. Remedial action account.

1 (a) The remedial action account is established to provide
2 reimbursement to eligible claimants for drycleaning solvent
3 investigation, remedial action planning, and remedial action
4 activities for existing drycleaning solvent contamination
5 discovered at their drycleaning facilities.

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

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

16 (2) In the case of a claimant who is the owner of an
17 inactive drycleaning facility and was the owner or operator
18 of the drycleaning facility when it was an active
19 drycleaning facility, the claimant is only eligible for
20 reimbursement of remedial action costs incurred in
21 connection with a release from the drycleaning facility,
22 subject to any other limitations under this Act.

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

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

1 (2) At the time the release was discovered by the
2 claimant, the claimant and the drycleaning facility were in
3 compliance with the Agency reporting and technical
4 operating requirements.

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

7 (4) The drycleaning facility site is enrolled in the
8 Site Remediation Program established under Title XVII of
9 the Environmental Protection Act. ~~(Blank).~~

10 (5) If the claimant is the owner or operator of an
11 active drycleaning facility, the claimant must ensure that
12 ~~has provided to the Council proof of implementation and~~
13 ~~maintenance of the following pollution prevention~~
14 ~~measures:~~

15 (A) All ~~That all~~ drycleaning solvent wastes
16 generated at the ~~a~~ drycleaning facility are ~~be~~ managed
17 in accordance with applicable State waste management
18 laws and rules.

19 (B) There is no ~~A prohibition on the~~ discharge of
20 wastewater from drycleaning machines, l or of
21 drycleaning solvent from drycleaning operations, l to a
22 sanitary sewer or septic tank or to the surface or in
23 groundwater.

24 (C) The ~~That every~~ drycleaning facility has ~~(I)~~
25 ~~install~~ a containment dike or other containment
26 structure around each machine, item of equipment,

1 drycleaning area, and portable waste container in
2 which any drycleaning solvent is utilized, which is
3 ~~shall be~~ capable of containing leaks, spills, or
4 releases of drycleaning solvent from that machine,
5 item, area, or container. The containment dike or other
6 containment structure shall be capable of at least the
7 following: (i) containing a capacity of 110% of the
8 drycleaning solvent in the largest tank or vessel
9 within the machine; (ii) containing 100% of the
10 drycleaning solvent of each item of equipment or
11 drycleaning area; and (iii) containing 100% of the
12 drycleaning solvent of the largest portable waste
13 container or at least 10% of the total volume of the
14 portable waste containers stored within the
15 containment dike or structure, whichever is greater.

16 Petroleum underground storage tank systems that
17 are ~~upgraded~~ in compliance ~~accordance~~ with USEPA and
18 State Fire Marshal rules, including, but not limited
19 to, leak detection system rules, ~~upgrade standards~~
20 ~~pursuant to 40 CFR Part 280 for the tanks and related~~
21 ~~pipng systems and use a leak detection system approved~~
22 ~~by the USEPA or IEPA~~ are exempt from this secondary
23 containment requirement. ~~;~~ and

24 (D) Those (II) seal or otherwise render impervious
25 ~~those~~ portions of diked floor surfaces on which a
26 drycleaning solvent may leak, spill, or otherwise be

1 released are sealed or otherwise impervious.

2 (E) All ~~(D) A requirement that all~~ drycleaning
3 solvent is ~~shall be~~ delivered to drycleaning
4 facilities by means of closed, direct-coupled delivery
5 systems.

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

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

22 (d) A claimant must have submitted ~~shall submit~~ a completed
23 application form provided by the Council. The application shall
24 contain documentation of activities, plans, and expenditures
25 associated with the eligible costs incurred in response to a
26 release of drycleaning solvent from a drycleaning facility.

1 Application for remedial action account benefits must have been
2 ~~be~~ submitted to the Council on or before June 30, 2005.

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

6 (1) If, by January 1, 2008, an eligible claimant
7 submitting a claim for an active drycleaning facility
8 completed site investigation and submitted to the Council a
9 complete remedial action plan for the site, then the An
10 eligible claimant ~~submitting a claim for an active~~
11 ~~drycleaning facility~~ is responsible for the first \$5,000 of
12 eligible investigation costs and for the first \$10,000 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. Any
17 eligible claimant submitting any other claim for an active
18 drycleaning facility is responsible for the first \$5,000 of
19 eligible investigation costs and for the first \$15,000 of
20 eligible remedial action costs incurred in connection with
21 the release from the drycleaning facility, and is only
22 eligible for reimbursement for costs that exceed those
23 amounts, subject to any other limitations of this Act.

24 (2) If, by January 1, 2008, an eligible claimant
25 submitting a claim for an inactive drycleaning facility
26 completed site investigation and submitted to the Council a

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

17 (f) Claimants are subject to the following limitations on
18 reimbursement:

19 (1) Subsequent to meeting the deductible requirements
20 of subsection (e), ~~and pursuant to the requirements of~~
21 ~~Section 75~~, reimbursement shall not exceed \$300,000 per
22 active drycleaning facility and \$50,000 per inactive
23 drycleaning facility.

24 (2) (Blank). ~~A contract in which one of the parties to~~
25 ~~the contract is a claimant, for goods or services that may~~
26 ~~be payable or reimbursable from the Council, is void and~~

1 ~~unenforceable unless and until the Council has found that~~
2 ~~the contract terms are within the range of usual and~~
3 ~~customary rates for similar or equivalent goods or services~~
4 ~~within this State and has found that the goods or services~~
5 ~~are necessary for the claimant to comply with Council~~
6 ~~standards or other applicable regulatory standards.~~

7 (3) (Blank). ~~A claimant may appoint the Council as an~~
8 ~~agent for the purposes of negotiating contracts with~~
9 ~~suppliers of goods or services reimbursable by the Fund.~~
10 ~~The Council may select another contractor for goods or~~
11 ~~services other than the one offered by the claimant if the~~
12 ~~scope of the proposed work or actual work of the claimant's~~
13 ~~offered contractor does not reflect the quality of~~
14 ~~workmanship required or if the costs are determined to be~~
15 ~~excessive, as determined by the Council.~~

16 (4) The Agency Council ~~Council~~ may require a claimant to obtain
17 and submit 3 bids and may require specific terms and
18 conditions in a contract subject to approval.

19 (5) The Agency Council ~~Council~~ may enter into a contract or an
20 exclusive contract with the supplier of goods or services
21 required by a claimant or class of claimants, in connection
22 with an expense reimbursable from the Fund, for a specified
23 good or service at a gross maximum price or fixed rate, and
24 may limit reimbursement accordingly.

25 (6) Unless emergency conditions exist, a service
26 provider shall obtain the Agency's Council's ~~Council's~~ approval of

1 all remediation work to be reimbursed from the Fund and a
2 ~~the~~ budget for the remediation work before commencing the
3 work. No expense incurred that is above the budgeted amount
4 shall be paid unless the Agency Council approves the
5 expense ~~prior to its being incurred~~. All invoices and bills
6 relating to the remediation work shall be submitted with
7 appropriate documentation, as deemed necessary by the
8 Agency Council.

9 (7) Neither the Council, nor the Agency, nor an
10 eligible claimant is responsible for payment for costs
11 incurred that have not been previously approved by the
12 Council, or Agency, unless an emergency exists.

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

25 (9) If a claimant has pollution liability insurance
26 coverage other than coverage provided by the insurance

1 account under this Act, that coverage shall be primary.
2 Reimbursement from the remedial account shall be limited to
3 the deductible amounts under the primary coverage and the
4 amount that exceeds the policy limits of the primary
5 coverage, subject to the deductible amounts established
6 pursuant to ~~of~~ this Act. ~~If there is a dispute between the~~
7 ~~claimant and the primary insurance provider, reimbursement~~
8 ~~from the remedial action account may be made to the~~
9 ~~claimant after the claimant assigns all of his or her~~
10 ~~interests in the insurance coverage to the Council.~~

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

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

24 (h) A drycleaning facility will be classified as active or
25 inactive for purposes of determining benefits under this
26 Section based on the status of the facility on the date a claim

1 is filed.

2 (i) Eligible claimants shall conduct remedial action in
3 accordance with Title XVII of the Site Remediation Program
4 ~~under~~ the Environmental Protection Act and rules adopted under
5 that Act. ~~Part 740 of Title 35 of the Illinois Administrative~~
6 ~~Code and the Tiered Approach to Cleanup Objectives under Part~~
7 ~~742 of Title 35 of the Illinois Administrative Code.~~

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

21 (k) Effective January 1, 2020, owners and operators of
22 inactive drycleaning facilities that are eligible for
23 reimbursement from the Fund on that date shall, until January
24 1, 2030, pay an annual \$3,000 administrative assessment to the
25 Agency for the facility. Administrative assessments collected
26 by the Agency under this subsection (k) shall be deposited into

1 the Fund.

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

3 (415 ILCS 135/50)

4 Sec. 50. Cost recovery; enforcement.

5 (a) The Agency Council may seek recovery from a potentially
6 responsible party liable for a release that is the subject of a
7 remedial action and for which the Fund has expended moneys for
8 remedial action. The amount of recovery sought by the Agency
9 ~~Council~~ shall be equal to all moneys expended by the Fund for
10 and in connection with the remediation, including, but not
11 limited to, reasonable attorney's ~~attorneys~~ fees and costs of
12 litigation expended by the Fund in connection with the release.

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

14 (1) The Agency Council shall not seek recovery for
15 expenses in connection with remedial action for a release
16 from a claimant eligible for reimbursement except for any
17 unpaid portion of the deductible.

18 (2) A claimant's liability for a release for which
19 coverage is admitted under the insurance account shall not
20 exceed the amount of the deductible, subject to the limits
21 of insurance coverage.

22 (c) 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 has not complied with the Environmental Protection

1 Act, ~~and its rules or with~~ this Act, or and its rules adopted
2 under either Act.

3 (d) Notwithstanding subsection (b), the liability of a
4 claimant to the Fund shall be the total costs of remedial
5 action incurred by the Fund, as specified in subsection (a), if
6 the claimant received reimbursement from the Fund through
7 misrepresentation or fraud, and the claimant shall be liable
8 for the amount of the reimbursement.

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

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

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

26 (h) All costs recovered under this Section shall be

1 deposited into the Fund.

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

3 (415 ILCS 135/55)

4 Sec. 55. Limitation on actions; admissions.

5 (a) An award or reimbursement made from the Fund ~~by the~~
6 ~~Council~~ under this Act shall be the claimant's exclusive method
7 for the recovery of the costs of drycleaning facility
8 remediation.

9 (b) If a person conducts a remedial action activity for a
10 release at a drycleaning facility site, whether or not the
11 person files a claim under this Act, the claim and remedial
12 action activity conducted are not evidence of liability or an
13 admission of liability for any potential or actual
14 environmental pollution or damage.

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

16 (415 ILCS 135/60)

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

18 Sec. 60. Drycleaning facility license.

19 (a) No ~~On and after January 1, 1998, no~~ person shall
20 operate a drycleaning facility in this State without a license
21 issued by the Council or Agency. Until July 1, 2020, the
22 license required under this subsection shall be issued by the
23 Council. On and after July 1, 2020, the license required under
24 this subsection shall be issued by the Agency.

1 (b) Beginning July 1, 2020, ~~The Council shall issue~~ an
2 initial or renewal license shall be issued to a drycleaning
3 facility on submission by an applicant of a completed form
4 prescribed by the Agency and Council, proof of payment of the
5 required fee to the Department of Revenue, and, if the
6 drycleaning facility has previously received or is currently
7 receiving reimbursement for the costs of a remedial action, as
8 defined in this Act, proof of compliance with subsection (j) of
9 Section 40. The Agency shall make available on its website an
10 electronic copy of the required license and license renewal
11 applications. ~~License Beginning January 1, 2013,~~ license
12 renewal application forms must include a certification by the
13 applicant:

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

17 (2) that all hazardous waste transported from the
18 drycleaning facility is transported in accordance with all
19 applicable federal and state laws and regulations; and

20 (3) that the applicant has successfully completed all
21 continuing education requirements adopted by the Board
22 pursuant to Section 12 of the Drycleaner Environmental
23 Response Trust Fund Act. ~~Also, beginning January 1, 2013,~~
24 ~~license renewal applications must include copies of all~~
25 ~~manifests for hazardous waste transported from the~~
26 ~~drycleaning facility during the previous 12 months or since~~

1 ~~the last submission of copies of manifests, whichever is~~
2 ~~longer. If the Council does not receive a copy of a~~
3 ~~manifest for a drycleaning facility within a 3-year period,~~
4 ~~or within a shorter period as determined by the Council,~~
5 ~~the Council shall make appropriate inquiry into the~~
6 ~~management of hazardous waste at the facility and may share~~
7 ~~the results of the inquiry with the Agency.~~

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

10 (1) \$1,500 ~~\$500~~ for a facility that uses (i) 50 gallons
11 or less of chlorine-based or green drycleaning solvents
12 annually, (ii) 250 or less gallons annually of
13 hydrocarbon-based drycleaning solvents in a drycleaning
14 machine equipped with a solvent reclaimer, or (iii) 500
15 gallons or less annually of hydrocarbon-based drycleaning
16 solvents in a drycleaning machine without a solvent
17 reclaimer.

18 (2) \$2,250 ~~\$500~~ for a facility that uses (i) more than
19 50 gallons but not more than 100 gallons of chlorine-based
20 or green drycleaning solvents annually, (ii) more than 250
21 gallons but not more 500 gallons annually of
22 hydrocarbon-based solvents in a drycleaning machine
23 equipped with a solvent reclaimer, or (iii) more than 500
24 gallons but not more than 1,000 gallons annually of
25 hydrocarbon-based drycleaning solvents in a drycleaning
26 machine without a solvent reclaimer.

1 (3) \$3,000 ~~\$500~~ for a facility that uses (i) more than
2 100 gallons but not more than 150 gallons of chlorine-based
3 or green drycleaning solvents annually, (ii) more than 500
4 gallons but not more than 750 gallons annually of
5 hydrocarbon-based solvents in a drycleaning machine
6 equipped with a solvent reclaimer, or (iii) more than 1,000
7 gallons but not more than 1,500 gallons annually of
8 hydrocarbon-based drycleaning solvents in a drycleaning
9 machine without a solvent reclaimer.

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

19 (5) \$4,500 ~~\$1,000~~ for a facility that uses (i) more
20 than 200 gallons but not more than 250 gallons of
21 chlorine-based or green drycleaning solvents annually,
22 (ii) more than 1,000 gallons but not more than 1,250
23 gallons annually of hydrocarbon-based solvents in a
24 drycleaning machine equipped with a solvent reclaimer, or
25 (iii) more than 2,000 gallons but not more than 2,500
26 gallons annually of hydrocarbon-based drycleaning solvents

1 in a drycleaning machine without a solvent reclaimer.

2 (6) \$5,000 ~~\$1,000~~ for a facility that uses (i) more
3 than 250 gallons but not more than 300 gallons of
4 chlorine-based or green drycleaning solvents annually,
5 (ii) more than 1,250 gallons but not more than 1,500
6 gallons annually of hydrocarbon-based solvents in a
7 drycleaning machine equipped with a solvent reclaimer, or
8 (iii) more than 2,500 gallons but not more than 3,000
9 gallons annually of hydrocarbon-based drycleaning solvents
10 in a drycleaning machine without a solvent reclaimer.

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

20 (8) \$5,000 ~~\$1,500~~ for a facility that uses (i) more
21 than 350 gallons but not more than 400 gallons of
22 chlorine-based or green drycleaning solvents annually,
23 (ii) more than 1,750 gallons but not more than 2,000
24 gallons annually of hydrocarbon-based solvents in a
25 drycleaning machine equipped with a solvent reclaimer, or
26 (iii) more than 3,500 gallons but not more than 4,000

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

3 (9) \$5,000 ~~\$1,500~~ for a facility that uses (i) more
4 than 400 gallons but not more than 450 gallons of
5 chlorine-based or green drycleaning solvents annually,
6 (ii) more than 2,000 gallons but not more than 2,250
7 gallons annually of hydrocarbon-based solvents in a
8 drycleaning machine equipped with a solvent reclaimer, or
9 (iii) more than 4,000 gallons but not more than 4,500
10 gallons annually of hydrocarbon-based drycleaning solvents
11 in a drycleaning machine without a solvent reclaimer.

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

21 (11) \$5,000 ~~\$1,500~~ for a facility that uses (i) more
22 than 500 gallons but not more than 550 gallons of
23 chlorine-based or green drycleaning solvents annually,
24 (ii) more than 2,500 gallons but not more than 2,750
25 gallons annually of hydrocarbon-based solvents in a
26 drycleaning machine equipped with a solvent reclaimer, or

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

4 (12) \$5,000 ~~\$1,500~~ for a facility that uses (i) more
5 than 550 gallons but not more than 600 gallons of
6 chlorine-based or green drycleaning solvents annually,
7 (ii) more than 2,750 gallons but not more than 3,000
8 gallons annually of hydrocarbon-based solvents in a
9 drycleaning machine equipped with a solvent reclaimer, or
10 (iii) more than 5,500 gallons but not more than 6,000
11 gallons annually of hydrocarbon-based drycleaning solvents
12 in a drycleaning machine without a solvent reclaimer.

13 (13) \$5,000 ~~\$1,500~~ for a facility that uses (i) more
14 than 600 gallons of chlorine-based or green drycleaning
15 solvents annually, (ii) more than 3,000 gallons but not
16 more than 3,250 gallons annually of hydrocarbon-based
17 solvents in a drycleaning machine equipped with a solvent
18 reclaimer, or (iii) more than 6,000 gallons of
19 hydrocarbon-based drycleaning solvents annually in a
20 drycleaning machine equipped without a solvent reclaimer.

21 (14) \$5,000 ~~\$1,500~~ for a facility that uses more than
22 3,250 gallons but not more than 3,500 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer.

25 (15) \$5,000 ~~\$1,500~~ for a facility that uses more than
26 3,500 gallons but not more than 3,750 gallons annually of

1 hydrocarbon-based solvents used in a drycleaning machine
2 equipped with a solvent reclaimer.

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

7 (17) \$5,000 ~~\$1,500~~ for a facility that uses more than
8 4,000 gallons annually of hydrocarbon-based solvents in a
9 drycleaning machine equipped with a solvent reclaimer.

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

12 (1) in the case of an initial applicant, the quantity
13 of drycleaning solvents that the applicant estimates will
14 be used during his or her initial license year. A fee
15 assessed under this subdivision is subject to audited
16 adjustment for that year; or

17 (2) in the case of a renewal applicant, the quantity of
18 drycleaning solvents actually purchased in the preceding
19 license year.

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

23 (d) A license issued under this Section shall expire one
24 year after the date of issuance and may be renewed on
25 reapplication to the Council and submission of proof of payment
26 of the appropriate fee to the Department of Revenue in

1 accordance with subsections (c) and (e). ~~At least 30 days~~
2 ~~before payment of a renewal licensing fee is due, the Council~~
3 ~~shall attempt to:~~

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

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

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

18 (f) The Department of Revenue shall issue a proof of
19 payment receipt to each operator of a drycleaning facility who
20 has paid the appropriate fee in cash or by guaranteed
21 remittance, credit card, or business check. However, the
22 Department of Revenue shall not issue a proof of payment
23 receipt to a drycleaning facility that is liable to the
24 Department of Revenue for a tax imposed under this Act. The
25 original receipt shall be presented to the Council by the
26 operator of a drycleaning facility.

1 (g) (Blank).

2 (h) The Board Council and the Department of Revenue may
3 adopt rules as necessary to administer the licensing
4 requirements of this Act.

5 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;
6 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.
7 7-13-12; 97-1057, eff. 1-1-13.)

8 (415 ILCS 135/65)

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

10 Sec. 65. Drycleaning solvent tax.

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

1 (b) The tax imposed by this Act shall be collected from the
2 purchaser at the time of sale by a seller of drycleaning
3 solvents maintaining a place of business in this State and
4 shall be remitted to the Department of Revenue under the
5 provisions of this Act.

6 (c) The tax imposed by this Act that is not collected by a
7 seller of drycleaning solvents shall be paid directly to the
8 Department of Revenue by the purchaser or end user who is
9 subject to the tax imposed by this Act.

10 (d) No tax shall be imposed upon the use of drycleaning
11 solvent if the drycleaning solvent will not be used in a
12 drycleaning facility or if a floor stock tax has been imposed
13 and paid on the drycleaning solvent. Prior to the purchase of
14 the solvent, the purchaser shall provide a written and signed
15 certificate to the drycleaning solvent seller stating:

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

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

18 (3) one of the following:

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

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

23 (e) On January 1, 1998, there is imposed on each operator
24 of a drycleaning facility a tax on drycleaning solvent held by
25 the operator on that date for use in a drycleaning facility.
26 The tax imposed shall be the tax that would have been imposed

1 under subsection (a) if the drycleaning solvent held by the
2 operator on that date had been purchased by the operator during
3 the first year of this Act.

4 (f) On or before the 25th day of the 1st month following
5 the end of the calendar quarter, a seller of drycleaning
6 solvents who has collected a tax pursuant to this Section
7 during the previous calendar quarter, or a purchaser or end
8 user of drycleaning solvents required under subsection (c) to
9 submit the tax directly to the Department, shall file a return
10 with the Department of Revenue. The return shall be filed on a
11 form prescribed by the Department of Revenue and shall contain
12 information that the Department of Revenue reasonably
13 requires, but at a minimum will require the reporting of the
14 volume of drycleaning solvent sold to each licensed drycleaner.
15 The Department of Revenue shall report quarterly to the Agency
16 ~~Council~~ the volume of drycleaning solvent purchased for the
17 quarter by each licensed drycleaner. Each seller of drycleaning
18 solvent maintaining a place of business in this State who is
19 required or authorized to collect the tax imposed by this Act
20 shall pay to the Department the amount of the tax at the time
21 when he or she is required to file his or her return for the
22 period during which the tax was collected. Purchasers or end
23 users remitting the tax directly to the Department under
24 subsection (c) shall file a return with the Department of
25 Revenue and pay the tax so incurred by the purchaser or end
26 user during the preceding calendar quarter.

1 Except as provided in this Section, the seller of
2 drycleaning solvents filing the return under this Section
3 shall, at the time of filing the return, pay to the Department
4 the amount of tax imposed by this Act less a discount of 1.75%,
5 or \$5 per calendar year, whichever is greater. Failure to
6 timely file the returns and provide to the Department the data
7 requested under this Act will result in disallowance of the
8 reimbursement discount.

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

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

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

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

1 credit taken and that actually due, and the seller shall be
2 liable for penalties and interest on such difference.

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

4 (415 ILCS 135/69)

5 Sec. 69. Civil penalties.

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

17 (b) Notwithstanding the provisions of subsection (a) of
18 this Section:

19 (1) Any person who violates subsection (a) of Section
20 60 of this Act by failing to pay the license fee when due
21 may be assessed a civil penalty of \$5 per day for each day
22 after the license fee is due until the license fee is paid.
23 The penalty shall be effective for license fees due on or
24 after July 1, 1999 and before June 30, 2011. For license
25 fees due on or after July 1, 2011, any person who violates

1 subsection (a) of Section 60 of this Act by failing to pay
2 the license fee when due may be assessed a civil penalty,
3 beginning on the 31st day after the license fee is due, in
4 the following amounts: (i) beginning on the 31st day after
5 the license fee is due and until the 60th day after the
6 license fee is due, \$3 for each day during which the
7 license fee is not paid and (ii) beginning on the 61st day
8 after the license fee is due and until the license fee is
9 paid, \$5 for each day during which the license fee is not
10 paid.

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

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

20 (4) Any person that violates subsection (k) of Section
21 40 of this Act may be assessed a civil penalty in an amount
22 equal to 3 times the total in administrative assessments
23 owed by that person under that subsection.

24 (c) (Blank). ~~The Council shall issue an administrative~~
25 ~~assessment setting forth any penalties it imposes under~~
26 ~~subsection (b) of this Section and shall serve notice of the~~

1 ~~assessment upon the party assessed. The Council's~~
2 ~~determination shall be deemed correct and shall serve as~~
3 ~~evidence of the correctness of the Council's determination that~~
4 ~~a penalty is due. Proof of a determination by the Council may~~
5 ~~be made at any administrative hearing or in any legal~~
6 ~~proceeding by a reproduced copy or computer print out of the~~
7 ~~Council's record relating thereto in the name of the Council~~
8 ~~under the certificate of the Council.~~

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

23 ~~Whenever notice is required by this Section, the notice may~~
24 ~~be given by United States registered or certified mail,~~
25 ~~addressed to the person concerned at his last known address,~~
26 ~~and proof of mailing shall be sufficient for the purposes of~~

1 ~~this Act. Notice of any hearing provided for by this Act shall~~
2 ~~be given not less than 7 days before the day fixed for the~~
3 ~~hearing. Following the initial contact of a person represented~~
4 ~~by an attorney, the Council shall not contact that person but~~
5 ~~shall only contact the attorney representing that person.~~

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

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

18 (f) Without limiting any other authority which may exist
19 for the awarding of attorney's fees and costs, the Board ~~the~~
20 ~~Council~~, or a court of competent jurisdiction, may award costs
21 and reasonable attorney's fees, including the reasonable costs
22 of expert witnesses and consultants, to the Attorney General in
23 a case where the Attorney General has prevailed against a
24 person who has committed a willful, knowing, or repeated
25 violation of this Act, any rule or regulation adopted under
26 this Act, or any license or registration or term or condition

1 of a license or registration, or any Council, Board, or court
2 order entered pursuant to this Act. Any funds collected under
3 this subsection (f) in which the Attorney General has prevailed
4 shall be deposited in the Drycleaner Environmental Response
5 Trust Fund created in Section 10 of this Act.

6 (g) All final orders imposing civil penalties under this
7 Section shall prescribe the time for payment of the penalties.
8 If any penalty is not paid within the time prescribed, interest
9 on the penalty shall be paid, at the rate set forth in Section
10 3-2 of the Illinois Uniform Penalty and Interest Act, for the
11 period from the date payment is due until the date payment is
12 received. However, if the time for payment is stayed during the
13 pendency of an appeal, interest shall not accrue during the
14 stay.

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

16 (415 ILCS 135/69.5 new)

17 Sec. 69.5. Criminal penalties. In addition to all other
18 civil and criminal penalties provided by law, any person who
19 knowingly makes to the Agency or Department of Revenue an oral
20 or written statement that is false, fictitious, or fraudulent
21 and that is materially related to or required by this Act or a
22 rule adopted under this Act commits a Class 4 felony, and each
23 such statement or writing shall be considered a separate Class
24 4 felony. A person who, after being convicted under this
25 Section, violates this Section a second or subsequent time

1 commits a Class 3 felony.

2 (415 ILCS 135/77 new)

3 Sec. 77. Review of final decisions.

4 (a) All final Agency decisions made pursuant to this Act
5 shall be subject to review in the manner provided for the
6 review of permit decisions under Section 40 of the
7 Environmental Protection Act.

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

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

21 (415 ILCS 135/12 new)

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

23 (a) On July 1, 2020, the Council is abolished, and, except

1 as otherwise provided in this Section, all powers, duties,
2 rights, and responsibilities of the Council are transferred to
3 the Agency. On and after that date, all of the general powers
4 necessary and convenient to implement and administer this Act
5 are, except as otherwise provided in this Section, hereby
6 vested in and may be exercised by the Agency, including, but
7 not limited to, the powers described in Section 25 of this Act.

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

11 (1) the name, address, and telephone number of each
12 claimant who timely filed an application for remedial
13 action account benefits by June 30, 2005, and is eligible
14 for reimbursement from the Fund under Section 40 of this
15 Act for costs of remediation of a release of drycleaning
16 solvents from a drycleaning facility;

17 (2) the address of the drycleaning facility where the
18 release occurred and the names, addresses, and telephone
19 numbers of the owners and operators of the facility, as
20 well as whether the drycleaning facility was an active or
21 inactive drycleaning facility at the time that person
22 applied for remedial action benefits under Section 40 of
23 this Act;

24 (3) the deductible that applies with respect to the
25 release at the facility and the amount of the deductible
26 that has been satisfied;

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

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

6 (6) for each year during which insurance coverage was
7 provided under this Act, the name, address, and telephone
8 number of each person who obtained coverage and the names
9 and addresses of the drycleaning facilities for which that
10 person obtained coverage;

11 (7) the sites for which site investigations required
12 under subsection (d) of Section 45 have been deemed
13 adequate by the Council;

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

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

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

1 (d) At the direction of the Governor or on July 1, 2020,
2 whichever is earlier, all unexpended appropriations and
3 balances and other funds available for use by the Council, as
4 determined by the Director of the Governor's Office of
5 Management and Budget, shall be transferred for use by the
6 Agency in accordance with this Act, regardless of whether they
7 are in the possession of the Council, an independent contractor
8 who serves as Administrator of the Fund, or any other person.
9 Unexpended balances so transferred shall be expended by the
10 Agency only for the purpose for which the appropriations were
11 originally made.

12 (e) The transfer of powers, duties, rights, and
13 responsibilities pursuant to this amendatory Act of the 101st
14 General Assembly does not affect any act done, ratified, or
15 canceled or any right accruing or established or any action or
16 proceeding had or commenced by the Council or the Administrator
17 of the Fund before July 1, 2020; such actions may be prosecuted
18 and continued by the Attorney General.

19 (f) Whenever reports or notices are required to be made or
20 given or papers or documents furnished or served by any person
21 to or upon the Council or the Administrator of the Fund in
22 connection with any of the powers, duties, rights, or
23 responsibilities transferred by this amendatory Act of the
24 101st General Assembly to the Agency, the same shall be made,
25 given, furnished, or served in the same manner to or upon the
26 Agency.

1 (g) All rules duly adopted by the Council before July 1,
2 2020 shall become rules of the Board on July 1, 2020, and
3 beginning on that date, the Agency is authorized to propose to
4 the Board for adoption, and the Board may adopt, amendments to
5 the transferred rules, as well as new rules, for carrying out,
6 administering, and enforcing the provisions of this Act.

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

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

1 Sec. 31. Prohibition on renewal of contract with Fund
2 Administrator. On and after the effective date of this
3 amendatory Act of the 101st General Assembly, the Council shall
4 not enter into or renew any contract or agreement with a person
5 to act as the Administrator of the Fund for a term that extends
6 beyond June 30, 2020.

7 (415 ILCS 135/45)

8 Sec. 45. Insurance account.

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

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

19 (1) ~~Moneys appropriated to the Council or moneys~~
20 ~~allocated to the insurance account; by the Council~~
21 ~~according to the Fund budget approved by the Council.~~

22 (2) moneys ~~Moneys~~ collected as an insurance premium,
23 including service fees, if any; and ~~-~~

24 (3) investment ~~Investment~~ income attributed to the
25 insurance account ~~by the Council.~~

1 (c) An owner or operator may purchase coverage of up to
2 \$500,000 per drycleaning facility subject to the terms and
3 conditions under this Section and those adopted by the Council
4 before July 1, 2020 or by the Board on or after that date.

5 Coverage shall be limited to remedial action costs associated
6 with soil and groundwater contamination resulting from a
7 release of drycleaning solvent at an insured drycleaning
8 facility, including third-party liability for soil and
9 groundwater contamination. Coverage is not provided for a
10 release that occurred before the date of coverage.

11 (d) An owner or operator, subject to underwriting
12 requirements and terms and conditions deemed necessary and
13 convenient by the Council for periods before July 1, 2020 and
14 subject to terms and conditions deemed necessary and convenient
15 by the Board for periods on or after that date, may purchase
16 insurance coverage from the insurance account provided that ~~the~~
17 ~~drycleaning facility to be insured meets the following~~
18 ~~conditions:~~

19 (1) a site investigation designed to identify soil and
20 groundwater contamination resulting from the release of a
21 drycleaning solvent has been completed for the drycleaning
22 facility to be insured and the site investigation has been
23 found adequate by the Council before July 1, 2020 or by the
24 Agency on or after that date ~~. The Council shall determine~~
25 ~~if the site investigation is adequate. This investigation~~
26 ~~must be completed by June 30, 2006. For drycleaning~~

1 ~~facilities that apply for insurance coverage after June 30,~~
2 ~~2006, the site investigation must be completed prior to~~
3 ~~issuance of insurance coverage; and~~

4 (2) the drycleaning facility is participating in and
5 meets all ~~requirements of a~~ drycleaning compliance program
6 requirements adopted by the Board pursuant Section 12 of
7 the Drycleaner Environmental Response Trust Fund Act
8 approved by the Council.

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

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

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

17 (B) there is no discharge of wastewater from
18 drycleaning machines, or of drycleaning solvent from
19 drycleaning operations, to a sanitary sewer or septic
20 tank, to the surface, or in groundwater;

21 (C) the facility has a containment dike or other
22 containment structure around each machine, item of
23 equipment, drycleaning area, and portable waste
24 container in which any drycleaning solvent is
25 utilized, that is capable of containing leaks, spills,
26 or releases of drycleaning solvent from that machine,

1 item, area, or container, including: (i) 100% of the
2 drycleaning solvent in the largest tank or vessel; (ii)
3 100% of the drycleaning solvent of each item of
4 drycleaning equipment; and (iii) 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 (D) those portions of diked floor surfaces at the
10 facility on which a drycleaning solvent may leak,
11 spill, or otherwise be released are sealed or otherwise
12 rendered impervious;

13 (E) all drycleaning solvent is delivered to the
14 facility by means of closed, direct-coupled delivery
15 systems; and

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

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

21 Petroleum underground storage tank systems that are in
22 compliance with applicable USEPA and State Fire Marshal
23 rules, including, but not limited to, leak detection system
24 rules, are exempt from the secondary containment
25 requirement in subparagraph (C) of paragraph (3) of this
26 subsection (d).

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

2 (1) For the year July 1, 1999 through June 30, 2000,
3 \$250 per drycleaning facility.

4 (2) For the year July 1, 2000 through June 30, 2001,
5 \$375 per drycleaning facility.

6 (3) For the year July 1, 2001 through June 30, 2002,
7 \$500 per drycleaning facility.

8 (4) For the year July 1, 2002 through June 30, 2003,
9 \$625 per drycleaning facility.

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

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

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

6 (e-5) (Blank). ~~If an insurer sends a second notice to an~~
7 ~~owner or operator demanding immediate payment of a past due~~
8 ~~premium for insurance services provided pursuant to this Act,~~
9 ~~the demand for payment must offer a grace period of not less~~
10 ~~than 30 days during which the owner or operator shall be~~
11 ~~allowed to pay any premiums due. If payment is made during that~~
12 ~~period, coverage under this Act shall not be terminated for~~
13 ~~non-payment by the insurer.~~

14 (e-6) (Blank). ~~If an insurer terminates an owner or~~
15 ~~operator's coverage under this Act, the insurer must send a~~
16 ~~written notice to the owner or operator to inform him or her of~~
17 ~~the termination of that coverage, and that notice must include~~
18 ~~instructions on how to seek reinstatement of coverage, as well~~
19 ~~as information concerning any premiums or penalties that might~~
20 ~~be due.~~

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

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

26 (h) A future repeal of this Section shall not terminate the

1 obligations under this Section or authority necessary to
2 administer the obligations until the obligations are
3 satisfied, including but not limited to the payment of claims
4 filed prior to the effective date of any future repeal against
5 the insurance account until moneys in the account are
6 exhausted. Upon exhaustion of the moneys in the account, any
7 remaining claims shall be invalid. If moneys remain in the
8 account following satisfaction of the obligations under this
9 Section, the remaining moneys and moneys due the account shall
10 be deposited in the remedial action account ~~used to assist~~
11 ~~current insureds to obtain a viable insuring mechanism as~~
12 ~~determined by the Council after public notice and opportunity~~
13 ~~for comment.~~

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

15 (415 ILCS 135/85)

16 Sec. 85. Repeal of fee and tax provisions. Sections 60 and
17 65 of this Act are repealed on January 1, 2030 ~~2020~~.

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

19 (415 ILCS 135/15 rep.)

20 (415 ILCS 135/20 rep.)

21 (415 ILCS 135/30 rep.)

22 (415 ILCS 135/75 rep.)

23 (415 ILCS 135/80 rep.)

24 Section 20. The Drycleaner Environmental Response Trust

1 Fund Act is amended by repealing Sections 15, 20, 30, 75, and
2 80.

3 Section 99. Effective date. This Act takes effect July 1,
4 2020.".