

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 Drycleaner Environmental Response Trust
5 Fund Act is amended by changing Sections 60 and 69 as follows:

6 (415 ILCS 135/60)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 60. Drycleaning facility license.

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

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

16 (c) On or after January 1, 2004, the annual fees for
17 licensure are as follows:

18 (1) \$500 for a facility that uses (i) 50 gallons or
19 less of chlorine-based or green drycleaning solvents
20 annually, (ii) 250 or less gallons annually of
21 hydrocarbon-based drycleaning solvents in a drycleaning
22 machine equipped with a solvent reclaimer, or (iii) 500
23 gallons or less annually of hydrocarbon-based drycleaning

1 solvents in a drycleaning machine without a solvent
2 reclaimer.

3 (2) \$500 for a facility that uses (i) more than 50
4 gallons but not more than 100 gallons of chlorine-based or
5 green drycleaning solvents annually, (ii) more than 250
6 gallons but not more 500 gallons annually of
7 hydrocarbon-based solvents in a drycleaning machine
8 equipped with a solvent reclaimer, or (iii) more than 500
9 gallons but not more than 1,000 gallons annually of
10 hydrocarbon-based drycleaning solvents in a drycleaning
11 machine without a solvent reclaimer.

12 (3) \$500 for a facility that uses (i) more than 100
13 gallons but not more than 150 gallons of chlorine-based or
14 green drycleaning solvents annually, (ii) more than 500
15 gallons but not more than 750 gallons annually of
16 hydrocarbon-based solvents in a drycleaning machine
17 equipped with a solvent reclaimer, or (iii) more than 1,000
18 gallons but not more than 1,500 gallons annually of
19 hydrocarbon-based drycleaning solvents in a drycleaning
20 machine without a solvent reclaimer.

21 (4) \$1,000 for a facility that uses (i) more than 150
22 gallons but not more than 200 gallons of chlorine-based or
23 green drycleaning solvents annually, (ii) more than 750
24 gallons but not more than 1,000 gallons annually of
25 hydrocarbon-based solvents in a drycleaning machine
26 equipped with a solvent reclaimer, or (iii) more than 1,500

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

4 (5) \$1,000 for a facility that uses (i) more than 200
5 gallons but not more than 250 gallons of chlorine-based or
6 green drycleaning solvents annually, (ii) more than 1,000
7 gallons but not more than 1,250 gallons annually of
8 hydrocarbon-based solvents in a drycleaning machine
9 equipped with a solvent reclaimer, or (iii) more than 2,000
10 gallons but not more than 2,500 gallons annually of
11 hydrocarbon-based drycleaning solvents in a drycleaning
12 machine without a solvent reclaimer.

13 (6) \$1,000 for a facility that uses (i) more than 250
14 gallons but not more than 300 gallons of chlorine-based or
15 green drycleaning solvents annually, (ii) more than 1,250
16 gallons but not more than 1,500 gallons annually of
17 hydrocarbon-based solvents in a drycleaning machine
18 equipped with a solvent reclaimer, or (iii) more than 2,500
19 gallons but not more than 3,000 gallons annually of
20 hydrocarbon-based drycleaning solvents in a drycleaning
21 machine without a solvent reclaimer.

22 (7) \$1,000 for a facility that uses (i) more than 300
23 gallons but not more than 350 gallons of chlorine-based or
24 green drycleaning solvents annually, (ii) more than 1,500
25 gallons but not more than 1,750 gallons annually of
26 hydrocarbon-based solvents in a drycleaning machine

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

5 (8) \$1,500 for a facility that uses (i) more than 350
6 gallons but not more than 400 gallons of chlorine-based or
7 green drycleaning solvents annually, (ii) more than 1,750
8 gallons but not more than 2,000 gallons annually of
9 hydrocarbon-based solvents in a drycleaning machine
10 equipped with a solvent reclaimer, or (iii) more than 3,500
11 gallons but not more than 4,000 gallons annually of
12 hydrocarbon-based drycleaning solvents in a drycleaning
13 machine without a solvent reclaimer.

14 (9) \$1,500 for a facility that uses (i) more than 400
15 gallons but not more than 450 gallons of chlorine-based or
16 green drycleaning solvents annually, (ii) more than 2,000
17 gallons but not more than 2,250 gallons annually of
18 hydrocarbon-based solvents in a drycleaning machine
19 equipped with a solvent reclaimer, or (iii) more than 4,000
20 gallons but not more than 4,500 gallons annually of
21 hydrocarbon-based drycleaning solvents in a drycleaning
22 machine without a solvent reclaimer.

23 (10) \$1,500 for a facility that uses (i) more than 450
24 gallons but not more than 500 gallons of chlorine-based or
25 green drycleaning solvents annually, (ii) more than 2,250
26 gallons but not more than 2,500 gallons annually of

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

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

15 (12) \$1,500 for a facility that uses (i) more than 550
16 gallons but not more than 600 gallons of chlorine-based or
17 green drycleaning solvents annually, (ii) more than 2,750
18 gallons but not more than 3,000 gallons annually of
19 hydrocarbon-based solvents in a drycleaning machine
20 equipped with a solvent reclaimer, or (iii) more than 5,500
21 gallons but not more than 6,000 gallons annually of
22 hydrocarbon-based drycleaning solvents in a drycleaning
23 machine without a solvent reclaimer.

24 (13) \$1,500 for a facility that uses (i) more than 600
25 gallons of chlorine-based or green drycleaning solvents
26 annually, (ii) more than 3,000 gallons but not more than

1 3,250 gallons annually of hydrocarbon-based solvents in a
2 drycleaning machine equipped with a solvent reclaimer, or
3 (iii) more than 6,000 gallons of hydrocarbon-based
4 drycleaning solvents annually in a drycleaning machine
5 equipped without a solvent reclaimer.

6 (14) \$1,500 for a facility that uses more than 3,250
7 gallons but not more than 3,500 gallons annually of
8 hydrocarbon-based solvents in a drycleaning machine
9 equipped with a solvent reclaimer.

10 (15) \$1,500 for a facility that uses more than 3,500
11 gallons but not more than 3,750 gallons annually of
12 hydrocarbon-based solvents used in a drycleaning machine
13 equipped with a solvent reclaimer.

14 (16) \$1,500 for a facility that uses more than 3,750
15 gallons but not more than 4,000 gallons annually of
16 hydrocarbon-based solvents in a drycleaning machine
17 equipped with a solvent reclaimer.

18 (17) \$1,500 for a facility that uses more than 4,000
19 gallons annually of hydrocarbon-based solvents in a
20 drycleaning machine equipped with a solvent reclaimer.

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

23 (1) in the case of an initial applicant, the quantity
24 of drycleaning solvents that the applicant estimates will
25 be used during his or her initial license year. A fee
26 assessed under this subdivision is subject to audited

1 adjustment for that year; or

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

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

8 (d) A license issued under this Section shall expire one
9 year after the date of issuance and may be renewed on
10 reapplication to the Council and submission of proof of payment
11 of the appropriate fee to the Department of Revenue in
12 accordance with subsections (c) and (e). At least 30 days
13 before payment of a renewal licensing fee is due, the Council
14 shall attempt to:

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

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

19 (e) An operator of a drycleaning facility shall submit the
20 appropriate application form provided by the Council with the
21 license fee in the form of cash, credit card, business check,
22 or guaranteed remittance to the Department of Revenue. The
23 license fee payment form and the actual license fee payment
24 shall be administered by the Department of Revenue under rules
25 adopted by that Department.

26 (f) The Department of Revenue shall issue a proof of

1 payment receipt to each operator of a drycleaning facility who
2 has paid the appropriate fee in cash or by guaranteed
3 remittance, credit card, or business check. However, the
4 Department of Revenue shall not issue a proof of payment
5 receipt to a drycleaning facility that is liable to the
6 Department of Revenue for a tax imposed under this Act. The
7 original receipt shall be presented to the Council by the
8 operator of a drycleaning facility.

9 (g) (Blank).

10 (h) The Council and the Department of Revenue may adopt
11 rules as necessary to administer the licensing requirements of
12 this Act.

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

14 (415 ILCS 135/69)

15 Sec. 69. Civil penalties.

16 (a) Except as provided in this Section, any person who
17 violates any provision of this Act or any regulation adopted by
18 the Council, or any license or registration or term or
19 condition thereof, or that violates any order of the Council
20 under this Act, shall be liable for a civil penalty as provided
21 in this Section. The penalties may, upon order of the Council
22 or a court of competent jurisdiction, be made payable to the
23 Drycleaner Environmental Response Trust Fund, to be used in
24 accordance with the provisions of the Drycleaner Environmental
25 Response Trust Fund Act.

1 (b) Notwithstanding the provisions of subsection (a) of
2 this Section:

3 (1) Any person who violates subsection (a) of Section
4 60 ~~Section 60(a)~~ of this Act by failing to pay the license
5 fee when due, may be assessed a civil penalty of \$5 per day
6 for each day after the license fee is due until the license
7 fee is paid. The penalty shall be effective for license
8 fees due on or after July 1, 1999 and before June 30, 2011.
9 For license fees due on or after July 1, 2011, any person
10 who violates subsection (a) of Section 60 of this Act by
11 failing to pay the license fee when due may be assessed a
12 civil penalty, beginning on the 31st day after the license
13 fee is due, in the following amounts: (i) beginning on the
14 31st day after the license fee is due and until the 60th
15 day after the license fee is due, \$3 for each day during
16 which the license fee is not paid and (ii) beginning on the
17 61st day after the license fee is due and until the license
18 fee is paid, \$5 for each day during which the license fee
19 is not paid.

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

25 (3) Any person who violates Section 67 of this Act
26 shall be liable for a civil penalty not to exceed \$100 per

1 day for each day the person is not registered to sell
2 drycleaning solvents.

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

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

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

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

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

21 (f) Without limiting any other authority which may exist
22 for the awarding of attorney's fees and costs, the Council, or
23 a court of competent jurisdiction, may award costs and
24 reasonable attorney's fees, including the reasonable costs of
25 expert witnesses and consultants, to the Attorney General in a
26 case where the Attorney General has prevailed against a person

1 who has committed a willful, knowing, or repeated violation of
2 this Act, any rule or regulation adopted under this Act, any
3 license or registration or term or condition of a license or
4 registration, or any Council order. Any funds collected under
5 this subsection (f) in which the Attorney General has prevailed
6 shall be deposited in the Drycleaner Environmental Response
7 Trust Fund created in Section 10 of this Act.

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.