



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4526

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.57 new

Amends the Environmental Protection Act. Beginning January 1, 2013, authorizes the use of (i) perchloroethylene drycleaning machines that have only a primary control system, but only for the remainder of each machine's useful life and at the facility at which it is located on the effective date of the amendatory Act and (ii) perchloroethylene drycleaning machines that have primary and secondary control systems. Beginning January 1, 2014, prohibits a person from operating a drycleaning machine unless (i) a person with specified training is present at the facility during the machine's operation and (ii) certain secondary containment measures are in place. Requires manufacturers of drycleaning solvents or other cleaning agents used in drycleaning to provide the Agency with certain information about those products. Requires the Agency, by no later than January 1, 2016, to submit to the General Assembly a report on the impact to groundwater from newly discovered releases of perchloroethylene in the State. Defines "drycleaning", "drycleaning machine", "drycleaning solvents", "perchloroethylene drycleaning machine", "primary control system", "refrigerated condenser", and "secondary control system". Effective January 1, 2013.

LRB097 18820 JDS 64057 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 22.57 as follows:

6 (415 ILCS 5/22.57 new)

7 Sec. 22.57. Perchloroethylene in drycleaning.

8 (a) For the purposes of this Section:

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

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

14 "Drycleaning solvents" means solvents used in drycleaning.

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

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

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

1 perchloroethylene.

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

7 (b) Beginning January 1, 2013:

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

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

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

23 (1) During the operation of the machine, a person with
24 the following training is present at the facility where the
25 machine is located:

26 (A) Successful completion of an initial

1 environmental training course that is approved by the
2 Dry Cleaner Environmental Response Trust Fund Council,
3 in consultation with the Agency and representatives of
4 the drycleaning industry, as providing appropriate
5 training on drycleaning best management practices,
6 including, but not limited to, reducing solvent air
7 emissions, reducing solvent spills and leaks,
8 protecting groundwater, and promoting the efficient
9 use of solvents.

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

24 (2) Proof of successful completion of the training
25 required under paragraph (1) of subsection (c) of this
26 Section is maintained at the drycleaning facility. Proof of

1 successful completion of the training must be made
2 available for inspection and copying by the Agency or units
3 of local government during normal business hours.

4 (3) All of the following secondary containment
5 measures are in place:

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

1 by the USEPA or the Agency are exempt from this
2 subparagraph (A).

3 (B) Those portions of diked floor surfaces on which
4 a drycleaning solvent may leak, spill, or otherwise be
5 released have been sealed or otherwise rendered
6 impervious.

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

17 (d) Manufacturers of drycleaning solvents or other
18 cleaning agents used as alternatives to perchloroethylene
19 drycleaning that are sold or offered for sale in Illinois must,
20 in accordance with Agency rules, provide to the Agency
21 sufficient information to allow the Agency to determine whether
22 the drycleaning solvents or cleaning agents may pose negative
23 impacts to human health or the environment. These alternatives
24 shall include, but are not limited to, drycleaning solvents or
25 other cleaning agents used in solvent-based cleaning,
26 carbon-dioxide based cleaning, and professional wet cleaning

1 methods. The information shall include, but is not limited to,
2 information regarding the physical and chemical properties of
3 the drycleaning solvents or cleaning agents and toxicity data.
4 No later than July 1, 2015, the Agency shall adopt in
5 accordance with the Illinois Administrative Procedure Act
6 rules specifying the information that manufacturers must
7 submit under this subsection (d). The rules must include, but
8 shall not be limited to, a deadline for submission of the
9 information to the Agency. No later than July 1, 2018, the
10 Agency shall post information resulting from its review of the
11 drycleaning solvents and cleaning agents on the Agency's
12 website.

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

20 Section 99. Effective date. This Act takes effect January
21 1, 2013.