



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 3349

2 AMENDMENT NO. _____. Amend House Bill 3349 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Legislative findings. In 1997, Public Act
5 90-502 established the Drycleaner Environmental Response Trust
6 Fund (Trust Fund) in response to requests by operators of
7 retail drycleaning facilities to have financial resources
8 available to pay for the cleanup of spills and leaks from
9 drycleaning machines and solvent storage units.

10 The purpose of the Trust Fund is to pay for the remediation
11 of soil and groundwater contamination at both inactive and
12 active drycleaner sites, as well as prevent future spills and
13 leaks of drycleaning solvent.

14 The Trust Fund consists of three primary programs: a
15 licensing program, an insurance program, and a remedial
16 program.

17 The Trust Fund is financed by an annual license fee on

1 active drycleaning facilities; a solvent fee tax charged on
2 each gallon of drycleaning solvent purchased; and insurance
3 premiums for pollution liability insurance coverage.

4 A private company currently provides third-party
5 administrative services for the Trust Fund, including, but not
6 limited to: receiving and processing license applications,
7 receiving and processing applications for insurance coverage,
8 receiving and processing claims, and furnishing other
9 accounting and record-keeping services.

10 Over the course of its operation, the Trust Fund has paid
11 over \$31 million for remedial action and insurance claims.

12 The Trust Fund currently has a backlog of unpaid claims
13 totaling \$27 million.

14 There are approximately 230 sites that still need to be
15 remediated using moneys in the Trust Fund.

16 Under the current system, the Trust Fund's existing funding
17 sources will not be sufficient to keep up with projected costs
18 and remedial action and insurance claims; thereby increasing
19 the potential for drycleaning solvent releases to impact a
20 larger number of drinking water supplies and threatening many
21 others across the State.

22 The most recent estimate of reimbursement fund balance
23 reveals the Trust Fund is projected to have a deficit of \$14
24 million by its sunset date of January 1, 2020.

25 Most drycleaners are small, independently-owned
26 businesses, and if the Trust Fund is not solvent, drycleaners

1 may not be able to remediate solvent releases in a responsible
2 manner.

3 The General Assembly finds that it is necessary to form a
4 Task Force to study the resource challenges and implementation
5 issues that the Trust Fund currently faces.

6 Section 5. The Drycleaner Environmental Response Trust
7 Fund Act is amended by adding Section 27 as follows:

8 (415 ILCS 135/27 new)

9 Sec. 27. Drycleaner Environmental Response Trust Fund Task
10 Force.

11 (a) There is created the Drycleaner Environmental Response
12 Trust Fund Task Force ("Task Force"). The Task Force shall
13 study the resource challenges and implementation issues that
14 the Fund faces and make recommendations for adequately funding
15 the Fund and for refining and improving the goals and
16 implementation of the Trust Fund program. In conducting the
17 study of the Trust Fund program, the Task Force shall consider
18 appropriate changes to the existing program, including, but not
19 limited to, the following: administration of the program,
20 program eligibility, program goals, fee structures,
21 administrative expenses, licensing requirements, benefits for
22 participation, compliance assurance and continuing education
23 standards, and sunset date.

24 (b) The Council shall be composed of the following members:

1 (1) Two members appointed by the Speaker of the House,
2 one of whom shall be designated as co-chairperson of the
3 Task Force;

4 (2) Two members appointed by the Minority Leader of the
5 House;

6 (3) Two members appointed by the President of the
7 Senate, one of whom shall be designated as co-chairperson
8 of the Task Force;

9 (4) Two members appointed by the Minority Leader of the
10 Senate;

11 (5) Seven members appointed by the Governor to
12 represent the dry cleaning industry, including two members
13 who represent a statewide dry cleaners' organization,
14 three members who represent regional or major metropolitan
15 dry cleaning associations, and two members representing an
16 in-state wholesale distributor of dry cleaning agents;

17 (6) One person appointed by the Governor to represent
18 the Drycleaner Environmental Response Trust Fund Council;
19 and

20 (7) The Director of the Illinois Environmental
21 Protection Agency, or his or her designee.

22 (c) The members of the Task Force shall serve without
23 compensation.

24 (d) The Illinois Environmental Protection Agency shall
25 provide administrative support to the Task Force.

26 (e) In making its determinations, the Task Force must hold

1 at least 3 public meetings in 3 separate metropolitan areas of
2 the State.

3 (f) The Task Force shall submit a report of its findings
4 and recommendations, which shall include proposed legislation,
5 to the Governor and to the General Assembly by no later than
6 December 31, 2014.

7 (g) This Section is repealed on January 1, 2016."