

1 AN ACT concerning environmental protection.

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

4 Section 5. The Illinois Pesticide Act is amended by
5 changing Section 13.2 as follows:

6 (415 ILCS 60/13.2)

7 Sec. 13.2. Agrichemical facility.

8 (a) An agrichemical facility located within this the
9 State of ~~Illinois~~ that was not in existence during the years
10 1991, 1992, and 1993 and therefore did not pay the
11 registration fee of \$500 per year per agrichemical facility
12 for those years may make a one-time payment of \$1,500 to the
13 Department of Agriculture for deposit into the Agrichemical
14 Incident Response Trust Fund to meet the eligibility
15 requirement of subdivision (2) of subsection (a) of Section
16 22.3 of this Act. The payment must be received by the
17 Department of Agriculture prior to an incident for which
18 reimbursement is sought under Section 22.3 to qualify for
19 eligibility under subdivision (2) of subsection (a) of
20 Section 22.3.

21 (b) An agrichemical facility located within the State of
22 Illinois that was not in existence during the years 1991,
23 1992, and 1993 and therefore did not pay the registration fee
24 of \$500 per year per agrichemical facility for those years
25 may also meet the eligibility requirement of subdivision (2)
26 of subsection (a) of Section 22.3 of this Act through the
27 transfer of eligibility from a facility under the same
28 ownership whose operations were discontinued after 1993 and
29 replaced by the new facility. To qualify for the eligibility
30 transfer, the owner must submit a written request for the
31 eligibility transfer to the Department of Agriculture, must

1 have paid the \$500 registration fee for each of the years
2 1991, 1992, and 1993 for the original facility, and completed
3 all closure requirements contained in rules promulgated by
4 the Department of Agriculture. Upon receipt of the
5 eligibility transfer request, the Department of Agriculture
6 shall review the submittal and all related containment
7 facility files and shall notify the owner whether eligibility
8 can be transferred.

9 (c) An agrichemical facility located within the State of
10 Illinois that was in existence during the years 1991, 1992,
11 and 1993 but did not pay the registration fee of \$500 per
12 year per agrichemical facility for those years may make
13 payment of the unremitted balance to the Department of
14 Agriculture for deposit into the Agrichemical Incident
15 Response Trust Fund to meet the eligibility requirement of
16 subdivision (2) of subsection (a) of Section 22.3 of this
17 Act. The payment must be received by the Department of
18 Agriculture prior to an incident for which reimbursement is
19 sought under Section 22.3 to qualify for eligibility under
20 subdivision (2) of subsection (a) of Section 22.3.

21 (d) The moneys collected under this Section shall be
22 deposited into the Agrichemical Incident Response Trust Fund.

23 (e) For purposes of this Section, "agrichemical
24 facility" means a site:

25 (1) used for commercial purposes,

26 (A) where bulk pesticides are stored in a
27 single container in excess of 300 gallons of liquid
28 pesticide or 300 pounds of dry pesticide for more
29 than 30 days per year; or

30 (B) where more than 300 gallons of liquid
31 pesticide or 300 pounds of dry pesticide are being
32 mixed, repackaged, or transferred from one container
33 to another within a 30 day period; and

34 (2) that serves at a point in the pesticide

1 distribution chain immediately prior to final use.

2 (Source: P.A. 90-403, eff. 8-15-97.)