



Sen. Iris Y. Martinez

Adopted in Senate on Oct 29, 2019

10100SB0718sam001

LRB101 04479 CPF 64072 a

1 AMENDMENT TO SENATE BILL 718

2 AMENDMENT NO. _____. Amend Senate Bill 718 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. "AN ACT concerning safety", Public Act 101-400,
5 approved August 16, 2019, is amended by changing Section 99 as
6 follows:

7 (P.A. 101-400, Sec. 99)

8 Sec. 99. Effective date. This Act takes effect on December
9 31, 2019, except that Sections 5, 10, and 20 take effect on
10 July 1, 2020.

11 (Source: P.A. 101-400, eff. 7-1-20.)

12 Section 10. The Drycleaner Environmental Response Trust
13 Fund Act is amended by changing Sections 12, 31, and 45, as
14 follows:

1 (415 ILCS 135/12)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

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

5 (a) On July 1, 2020, the Council is abolished, and, except
6 as otherwise provided in this Act Section, all powers, duties,
7 rights, and responsibilities of the Council are transferred to
8 the Agency. On and after that date, all of the general powers
9 necessary and convenient to implement and administer this Act
10 are, except as otherwise provided in this Act Section, hereby
11 vested in and may be exercised by the Agency, including, but
12 not limited to, the powers described in Section 25 of this Act.

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

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

22 (2) the address of the drycleaning facility where the
23 release occurred and the names, addresses, and telephone
24 numbers of the owners and operators of the facility, as
25 well as whether the drycleaning facility was an active or
26 inactive drycleaning facility at the time that person

1 applied for remedial action benefits under Section 40 of
2 this Act;

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

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

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

11 (6) for each year during which insurance coverage was
12 provided under this Act, the name, address, and telephone
13 number of each person who obtained coverage and the names
14 and addresses of the drycleaning facilities for which that
15 person obtained coverage;

16 (7) the sites for which site investigations required
17 under subsection (d) of Section 45 have been deemed
18 adequate by the Council;

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

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

22 (c) No later than June 30, 2020, all books, records,
23 papers, documents, property (real and personal), contracts,
24 causes of action, and pending business pertaining to the
25 powers, duties, rights, and responsibilities transferred by
26 Public Act 101-400 and this amendatory Act of the 101st General

1 Assembly, including, but not limited to, material in electronic
2 or magnetic format and necessary computer hardware and
3 software, shall be transferred to the Agency, regardless of
4 whether they are in the possession of the Council, an
5 independent contractor who serves as Administrator of the Fund,
6 or any other person.

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

18 (e) The transfer of powers, duties, rights, and
19 responsibilities pursuant to Public Act 101-400 and this
20 amendatory Act of the 101st General Assembly does not affect
21 any act done, ratified, or canceled or any right accruing or
22 established or any action or proceeding had or commenced by the
23 Council or the Administrator of the Fund before July 1, 2020;
24 such actions may be prosecuted and continued by the Attorney
25 General.

26 (f) Whenever reports or notices are required to be made or

1 given or papers or documents furnished or served by any person
2 to or upon the Council or the Administrator of the Fund in
3 connection with any of the powers, duties, rights, or
4 responsibilities transferred by Public Act 101-400 and this
5 amendatory Act of the 101st General Assembly to the Agency, the
6 same shall be made, given, furnished, or served in the same
7 manner to or upon the Agency.

8 (g) All rules duly adopted by the Council before July 1,
9 2020 shall become rules of the Board on July 1, 2020. ~~The, and~~
10 ~~beginning on that date, the~~ Agency is authorized to propose to
11 the Board for adoption, and the Board may adopt, amendments to
12 those ~~the transferred~~ rules, as well as new rules, for carrying
13 out, administering, and enforcing the provisions of this Act.

14 (h) In addition to the rules described above, the Board is
15 hereby authorized to adopt rules establishing minimum
16 continuing education and compliance program requirements for
17 owners and operators of active drycleaning facilities. Board
18 rules establishing minimum continuing education requirements
19 shall, among other things, identify the minimum number of
20 continuing education credits that must be obtained and describe
21 the specific subjects to be covered in continuing education
22 programs. Board rules establishing minimum compliance program
23 requirements shall, among other things, identify the type of
24 inspections that must be conducted. The rules adopted by the
25 Board under this subsection (h) may also provide an exemption
26 from continuing education requirements for persons who have,

1 for at least 10 consecutive years on or after January 1, 2009,
2 owned or operated a drying facility licensed under this Act.

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

6 (Source: P.A. 101-400, eff. 7-1-20.)

7 (415 ILCS 135/31)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 31. Prohibition on renewal of contract with Fund
11 Administrator. ~~The On and after the effective date of this~~
12 ~~amendatory Act of the 101st General Assembly, the~~ Council shall
13 not enter into or renew any contract or agreement with a person
14 to act as the Administrator of the Fund for a term that extends
15 beyond June 30, 2020.

16 (Source: P.A. 101-400, eff. 7-1-20.)

17 (415 ILCS 135/45)

18 (Text of Section before amendment by P.A. 101-400)

19 Sec. 45. Insurance account.

20 (a) The insurance account shall offer financial assurance
21 for a qualified owner or operator of a drycleaning facility
22 under the terms and conditions provided for under this Section.
23 Coverage may be provided to either the owner or the operator of
24 a drycleaning facility. The Council is not required to resolve

1 whether the owner or operator, or both, are responsible for a
2 release under the terms of an agreement between the owner and
3 operator.

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

6 (1) Moneys appropriated to the Council or moneys
7 allocated to the insurance account by the Council according
8 to the Fund budget approved by the Council.

9 (2) Moneys collected as an insurance premium,
10 including service fees, if any.

11 (3) Investment income attributed to the insurance
12 account by the Council.

13 (c) An owner or operator may purchase coverage of up to
14 \$500,000 per drycleaning facility subject to the terms and
15 conditions under this Section and those adopted by the Council.
16 Coverage shall be limited to remedial action costs associated
17 with soil and groundwater contamination resulting from a
18 release of drycleaning solvent at an insured drycleaning
19 facility, including third-party liability for soil and
20 groundwater contamination. Coverage is not provided for a
21 release that occurred before the date of coverage.

22 (d) An owner or operator, subject to underwriting
23 requirements and terms and conditions deemed necessary and
24 convenient by the Council, may purchase insurance coverage from
25 the insurance account provided that the drycleaning facility to
26 be insured meets the following conditions:

1 (1) a site investigation designed to identify soil and
2 groundwater contamination resulting from the release of a
3 drycleaning solvent has been completed. The Council shall
4 determine if the site investigation is adequate. This
5 investigation must be completed by June 30, 2006. For
6 drycleaning facilities that apply for insurance coverage
7 after June 30, 2006, the site investigation must be
8 completed prior to issuance of insurance coverage; and

9 (2) the drycleaning facility is participating in and
10 meets all requirements of a drycleaning compliance program
11 approved by the Council.

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

13 (1) For the year July 1, 1999 through June 30, 2000,
14 \$250 per drycleaning facility.

15 (2) For the year July 1, 2000 through June 30, 2001,
16 \$375 per drycleaning facility.

17 (3) For the year July 1, 2001 through June 30, 2002,
18 \$500 per drycleaning facility.

19 (4) For the year July 1, 2002 through June 30, 2003,
20 \$625 per drycleaning facility.

21 (5) For subsequent years, an owner or operator applying
22 for coverage shall pay an annual actuarially-sound
23 insurance premium for coverage by the insurance account.
24 The Council may approve Fund coverage through the payment
25 of a premium established on an actuarially-sound basis,
26 taking into consideration the risk to the insurance account

1 presented by the insured. Risk factor adjustments utilized
2 to determine actuarially-sound insurance premiums should
3 reflect the range of risk presented by the variety of
4 drycleaning systems, monitoring systems, drycleaning
5 volume, risk management practices, and other factors as
6 determined by the Council. As used in this item,
7 "actuarially sound" is not limited to Fund premium revenue
8 equaling or exceeding Fund expenditures for the general
9 drycleaning facility population. Actuarially-determined
10 premiums shall be published at least 180 days prior to the
11 premiums becoming effective.

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

20 (e-6) If an insurer terminates an owner or operator's
21 coverage under this Act, the insurer must send a written notice
22 to the owner or operator to inform him or her of the
23 termination of that coverage, and that notice must include
24 instructions on how to seek reinstatement of coverage, as well
25 as information concerning any premiums or penalties that might
26 be due.

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

4 (g) The insurance coverage shall be provided with a \$10,000
5 deductible policy.

6 (h) A future repeal of this Section shall not terminate the
7 obligations under this Section or authority necessary to
8 administer the obligations until the obligations are
9 satisfied, including but not limited to the payment of claims
10 filed prior to the effective date of any future repeal against
11 the insurance account until moneys in the account are
12 exhausted. Upon exhaustion of the moneys in the account, any
13 remaining claims shall be invalid. If moneys remain in the
14 account following satisfaction of the obligations under this
15 Section, the remaining moneys and moneys due the account shall
16 be used to assist current insureds to obtain a viable insuring
17 mechanism as determined by the Council after public notice and
18 opportunity for comment.

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

20 (Text of Section after amendment by P.A. 101-400)

21 Sec. 45. Insurance account.

22 (a) The insurance account shall offer financial assurance
23 for a qualified owner or operator of a drycleaning facility
24 under the terms and conditions provided for under this Section.
25 Coverage may be provided to either the owner or the operator of

1 a drycleaning facility. Neither the Agency nor the Council is
2 required to resolve whether the owner or operator, or both, are
3 responsible for a release under the terms of an agreement
4 between the owner and operator.

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

7 (1) moneys allocated to the insurance account;

8 (2) moneys collected as an insurance premium,
9 including service fees, if any; and

10 (3) investment income attributed to the insurance
11 account.

12 (c) An owner or operator may purchase coverage of up to
13 \$500,000 per drycleaning facility subject to the terms and
14 conditions under this Section and those adopted by the Council
15 before July 1, 2020 or by the Board on or after that date.
16 Coverage shall be limited to remedial action costs associated
17 with soil and groundwater contamination resulting from a
18 release of drycleaning solvent at an insured drycleaning
19 facility, including third-party liability for soil and
20 groundwater contamination. Coverage is not provided for a
21 release that occurred before the date of coverage.

22 (d) An owner or operator, subject to underwriting
23 requirements and terms and conditions deemed necessary and
24 convenient by the Council for periods before July 1, 2020 and
25 subject to terms and conditions deemed necessary and convenient
26 by the Board for periods on or after that date, may purchase

1 insurance coverage from the insurance account provided that:

2 (1) a site investigation designed to identify soil and
3 groundwater contamination resulting from the release of a
4 drycleaning solvent has been completed for the drycleaning
5 facility to be insured and the site investigation has been
6 found adequate by the Council before July 1, 2020 or by the
7 Agency on or after that date; ~~and~~

8 (2) the drycleaning facility is participating in and
9 meets all drycleaning compliance program requirements
10 adopted by the Board pursuant Section 12 of this Act; ~~the~~
11 ~~Drycleaner Environmental Response Trust Fund Act.~~

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

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

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

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

24 (C) the facility has a containment dike or other
25 containment structure around each machine, item of
26 equipment, drycleaning area, and portable waste

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

12 (D) those portions of diked floor surfaces at the
13 facility on which a drycleaning solvent may leak,
14 spill, or otherwise be released are sealed or otherwise
15 rendered impervious;

16 (E) all drycleaning solvent is delivered to the
17 facility by means of closed, direct-coupled delivery
18 systems; and

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

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

24 Petroleum underground storage tank systems that are in
25 compliance with applicable USEPA and State Fire Marshal
26 rules, including, but not limited to, leak detection system

1 rules, are exempt from the secondary containment
2 requirement in subparagraph (C) of paragraph (3) of this
3 subsection (d).

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

5 (1) For the year July 1, 1999 through June 30, 2000,
6 \$250 per drycleaning facility.

7 (2) For the year July 1, 2000 through June 30, 2001,
8 \$375 per drycleaning facility.

9 (3) For the year July 1, 2001 through June 30, 2002,
10 \$500 per drycleaning facility.

11 (4) For the year July 1, 2002 through June 30, 2003,
12 \$625 per drycleaning facility.

13 (5) For each subsequent program year through the
14 program year ending June 30, 2019 ~~For subsequent years~~, an
15 owner or operator applying for coverage shall pay an annual
16 actuarially-sound insurance premium for coverage by the
17 insurance account. The Council may approve Fund coverage
18 through the payment of a premium established on an
19 actuarially-sound basis, taking into consideration the
20 risk to the insurance account presented by the insured.
21 Risk factor adjustments utilized to determine
22 actuarially-sound insurance premiums should reflect the
23 range of risk presented by the variety of drycleaning
24 systems, monitoring systems, drycleaning volume, risk
25 management practices, and other factors as determined by
26 the Council. As used in this item, "actuarially sound" is

1 not limited to Fund premium revenue equaling or exceeding
2 Fund expenditures for the general drycleaning facility
3 population. Actuarially-determined premiums shall be
4 published at least 180 days prior to the premiums becoming
5 effective.

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

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

11 (e-5) (Blank).

12 (e-6) (Blank).

13 (f) If coverage is purchased for any part of a year, the
14 purchaser shall pay the full annual premium. Until July 1,
15 2020, the ~~The~~ insurance premium is fully earned upon issuance
16 of the insurance policy. Beginning July 1, 2020, coverage first
17 commences for a purchaser only after payment of the full annual
18 premium due for the applicable program year.

19 (g) Any insurance coverage provided under this Section
20 shall be subject to a \$10,000 deductible.

21 (h) A future repeal of this Section shall not terminate the
22 obligations under this Section or authority necessary to
23 administer the obligations until the obligations are
24 satisfied, including but not limited to the payment of claims
25 filed prior to the effective date of any future repeal against
26 the insurance account until moneys in the account are

1 exhausted. Upon exhaustion of the moneys in the account, any
2 remaining claims shall be invalid. If moneys remain in the
3 account following satisfaction of the obligations under this
4 Section, the remaining moneys and moneys due the account shall
5 be deposited in the remedial action account.

6 (Source: P.A. 101-400, eff. 7-1-20.)

7 Section 15. The Drycleaner Environmental Response Trust
8 Fund Act is amended by changing Sections 5, 25, 40, and 60 as
9 follows:

10 (415 ILCS 135/5)

11 (Text of Section before amendment by P.A. 101-400)

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

13 (a) "Active drycleaning facility" means a drycleaning
14 facility actively engaged in drycleaning operations and
15 licensed under Section 60 of this Act.

16 (b) "Agency" means the Illinois Environmental Protection
17 Agency.

18 (c) "Claimant" means an owner or operator of a drycleaning
19 facility who has applied for reimbursement from the remedial
20 account or who has submitted a claim under the insurance
21 account with respect to a release.

22 (d) "Council" means the Drycleaner Environmental Response
23 Trust Fund Council.

24 (e) "Drycleaner Environmental Response Trust Fund" or

1 "Fund" means the fund created under Section 10 of this Act.

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

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

6 (2) industrial laundry, commercial laundry, or linen
7 supply facility;

8 (3) prison or other penal institution that engages in
9 drycleaning only as part of a Correctional Industries
10 program to provide drycleaning to persons who are
11 incarcerated in a prison or penal institution or to
12 resident patients of a State-operated mental health
13 facility;

14 (4) not-for-profit hospital or other health care
15 facility; or a

16 (5) facility located or formerly located on federal or
17 State property.

18 (g) "Drycleaning operations" means drycleaning of apparel
19 and household fabrics for the general public, as described in
20 Standard Industrial Classification Industry No. 7215 and No.
21 7216 in the Standard Industrial Classification Manual (SIC) by
22 the Technical Committee on Industrial Classification.

23 (h) "Drycleaning solvent" means any and all nonaqueous
24 solvents, including but not limited to a chlorine-based or
25 petroleum-based formulation or product, including green
26 solvents, that are used as a primary cleaning agent in

1 drycleaning operations.

2 (i) "Emergency" or "emergency action" means a situation or
3 an immediate response to a situation to protect public health
4 or safety. "Emergency" or "emergency action" does not mean
5 removal of contaminated soils, recovery of free product, or
6 financial hardship. An "emergency" or "emergency action" would
7 normally be expected to be directly related to a sudden event
8 or discovery and would last until the threat to public health
9 is mitigated.

10 (j) "Groundwater" means underground water that occurs
11 within the saturated zone and geologic materials where the
12 fluid pressure in the pore space is equal to or greater than
13 the atmospheric pressure.

14 (k) "Inactive drycleaning facility" means a drycleaning
15 facility that is not being used for drycleaning operations and
16 is not registered under this Act.

17 (l) "Maintaining a place of business in this State" or any
18 like term means (1) having or maintaining within this State,
19 directly or through a subsidiary, an office, distribution
20 facility, distribution house, sales house, warehouse, or other
21 place of business or (2) operating within this State as an
22 agent or representative for a person or a person's subsidiary
23 engaged in the business of selling to persons within this
24 State, irrespective of whether the place of business or agent
25 or other representative is located in this State permanently or
26 temporary, or whether the person or the person's subsidiary

1 engages in the business of selling in this State.

2 (m) "No Further Remediation Letter" means a letter provided
3 by the Agency pursuant to Section 58.10 of Title XVII of the
4 Environmental Protection Act.

5 (n) "Operator" means a person or entity holding a business
6 license to operate a licensed drycleaning facility or the
7 business operation of which the drycleaning facility is a part.

8 (o) "Owner" means (1) a person who owns or has possession
9 or control of a drycleaning facility at the time a release is
10 discovered, regardless of whether the facility remains in
11 operation or (2) a parent corporation of the person under item
12 (1) of this subdivision.

13 (p) "Parent corporation" means a business entity or other
14 business arrangement that has elements of common ownership or
15 control or that uses a long-term contractual arrangement with a
16 person to avoid direct responsibility for conditions at a
17 drycleaning facility.

18 (q) "Person" means an individual, trust, firm, joint stock
19 company, corporation, consortium, joint venture, or other
20 commercial entity.

21 (r) "Program year" means the period beginning on July 1 and
22 ending on the following June 30.

23 (s) "Release" means any spilling, leaking, emitting,
24 discharging, escaping, leaching, or dispersing of drycleaning
25 solvents from a drycleaning facility to groundwater, surface
26 water, or subsurface soils.

1 (t) "Remedial action" means activities taken to comply with
2 Sections 58.6 and 58.7 of the Environmental Protection Act and
3 rules adopted by the Pollution Control Board under those
4 Sections.

5 (u) "Responsible party" means an owner, operator, or other
6 person financially responsible for costs of remediation of a
7 release of drycleaning solvents from a drycleaning facility.

8 (v) "Service provider" means a consultant, testing
9 laboratory, monitoring well installer, soil boring contractor,
10 other contractor, lender, or any other person who provides a
11 product or service for which a claim for reimbursement has been
12 or will be filed against the remedial account or insurance
13 account, or a subcontractor of such a person.

14 (w) "Virgin facility" means a drycleaning facility that has
15 never had chlorine-based or petroleum-based drycleaning
16 solvents stored or used at the property prior to it becoming a
17 green solvent drycleaning facility.

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

19 (Text of Section after amendment by P.A. 101-400)

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

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

24 "Agency" means the Illinois Environmental Protection
25 Agency.

1 "Board" means the Illinois Pollution Control Board.

2 "Claimant" means an owner or operator of a drycleaning
3 facility who has applied for reimbursement from the remedial
4 account or who has submitted a claim under the insurance
5 account with respect to a release.

6 "Council" means the Drycleaner Environmental Response
7 Trust Fund Council.

8 "Drycleaner Environmental Response Trust Fund" or "Fund"
9 means the fund created under Section 10 of this Act.

10 "Drycleaning facility" means a facility located in this
11 State that is or has been engaged in drycleaning operations for
12 the general public, other than:

13 (1) a facility located on a United States military
14 base;

15 (2) an industrial laundry, commercial laundry, or
16 linen supply facility;

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

23 (4) a not-for-profit hospital or other health care
24 facility; or ~~a~~

25 (5) a facility located or formerly located on federal
26 or State property.

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

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

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

19 "Groundwater" means underground water that occurs within
20 the saturated zone and geologic materials where the fluid
21 pressure in the pore space is equal to or greater than the
22 atmospheric pressure.

23 "Inactive drycleaning facility" means a drycleaning
24 facility that is not being used for drycleaning operations and
25 is not registered under this Act.

26 "Maintaining a place of business in this State" or any like

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

11 "No Further Remediation Letter" means a letter provided by
12 the Agency pursuant to Section 58.10 of Title XVII of the
13 Environmental Protection Act.

14 "Operator" means a person or entity holding a business
15 license to operate a licensed drycleaning facility or the
16 business operation of which the drycleaning facility is a part.

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

22 "Parent corporation" means a business entity or other
23 business arrangement that has elements of common ownership or
24 control or that uses a long-term contractual arrangement with a
25 person to avoid direct responsibility for conditions at a
26 drycleaning facility.

1 "Person" means an individual, trust, firm, joint stock
2 company, corporation, consortium, joint venture, or other
3 commercial entity.

4 "Program year" means the period beginning on July 1 and
5 ending on the following June 30.

6 "Release" means any spilling, leaking, emitting,
7 discharging, escaping, leaching, or dispersing of drycleaning
8 solvents from a drycleaning facility to groundwater, surface
9 water, or subsurface soils.

10 "Remedial action" means activities taken to comply with
11 Title XVII of the Environmental Protection Act and rules
12 adopted by the Board to administer that Title.

13 "Responsible party" means an owner, operator, or other
14 person financially responsible for costs of remediation of a
15 release of drycleaning solvents from a drycleaning facility.

16 "Service provider" means a consultant, testing laboratory,
17 monitoring well installer, soil boring contractor, other
18 contractor, lender, or any other person who provides a product
19 or service for which a claim for reimbursement has been or will
20 be filed against the Fund, or a subcontractor of such a person.

21 "Virgin facility" means a drycleaning facility that has
22 never had chlorine-based or petroleum-based drycleaning
23 solvents stored or used at the property prior to it becoming a
24 green solvent drycleaning facility.

25 (Source: P.A. 101-400, eff. 7-1-20.)

1 (415 ILCS 135/25)

2 (Text of Section before amendment by P.A. 101-400)

3 Sec. 25. Powers and duties of the Council.

4 (a) The Council shall have all of the general powers
5 reasonably necessary and convenient to carry out its purposes
6 and may perform the following functions, subject to any express
7 limitations contained in this Act:

8 (1) Take actions and enter into agreements necessary to
9 reimburse claimants for eligible remedial action expenses,
10 assist the Agency to protect the environment from releases,
11 reduce costs associated with remedial actions, and
12 establish and implement an insurance program.

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

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

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

25 (5) Contract for the acquisition or construction of one
26 or more improvements or parts of one or more improvements

1 or for the leasing, subleasing, sale, or other disposition
2 of one or more improvements in a manner the Council
3 determines.

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

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

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

1 (c) The Council may prioritize the expenditure of funds
2 from the remedial action account whenever it determines that
3 there are not sufficient funds to settle all current claims. In
4 prioritizing, the Council may consider 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) other factors as determined by the Council.

13 (d) The Council shall adopt rules allowing the direct
14 payment from the Fund to a contractor who performs remediation.
15 The rules concerning the direct payment shall include a
16 provision that any applicable deductible must be paid by the
17 drycleaning facility prior to any direct payment from the Fund.

18 (e) The Council may purchase reinsurance coverage to reduce
19 the Fund's potential liability for reimbursement of remedial
20 action costs.

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

22 (Text of Section after amendment by P.A. 101-400)

23 Sec. 25. Powers and duties of the Agency and Board.

24 (a) The Agency shall have all of the general powers
25 reasonably necessary and convenient to carry out this Act,

1 including, but not limited to, the power to:

2 (1) Take actions and enter into agreements necessary
3 to:

4 (A) reimburse claimants for eligible remedial
5 action expenses;

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

11 (C) reduce costs associated with remedial actions;
12 and-

13 (D) pay eligible claims in accordance with
14 coverage provided under Section 45 of this Act.

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

17 (3) (Blank).

18 (4) (Blank).

19 (5) (Blank).

20 (6) (Blank).

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

1 (b) (Blank).

2 (c) The Agency shall, in accordance with Board rules,
3 prioritize the expenditure of funds from the remedial action
4 account whenever it determines that there are not sufficient
5 funds to settle all current claims. In prioritizing, the Agency
6 shall consider, among other things, the following:

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

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

12 (3) the present and planned uses of the impacted
13 property;

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

17 (5) other factors as determined by the Board.

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

23 (e) (Blank).

24 (f) The Agency may, in accordance with constitutional
25 limitations, enter at all reasonable times upon any private or
26 public property for the purpose of inspecting and investigating

1 to ascertain possible violations of this Act, any rule adopted
2 under this Act, or any order entered pursuant to this Act.

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

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

21 (Source: P.A. 101-400, eff. 7-1-20.)

22 (415 ILCS 135/40)

23 (Text of Section before amendment by P.A. 101-400)

24 Sec. 40. Remedial action account.

25 (a) The remedial action account is established to provide

1 reimbursement to eligible claimants for drycleaning solvent
2 investigation, remedial action planning, and remedial action
3 activities for existing drycleaning solvent contamination
4 discovered at their drycleaning facilities.

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

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

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

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

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

26 (2) At the time the release was discovered by the

1 claimant, the claimant and the drycleaning facility were in
2 compliance with the Agency reporting and technical
3 operating requirements.

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

6 (4) (Blank).

7 (5) If the claimant is the owner or operator of an
8 active drycleaning facility, the claimant has provided to
9 the Council proof of implementation and maintenance of the
10 following pollution prevention measures:

11 (A) That all drycleaning solvent wastes generated
12 at a drycleaning facility be managed in accordance with
13 applicable State waste management laws and rules.

14 (B) A prohibition on the discharge of wastewater
15 from drycleaning machines or of drycleaning solvent
16 from drycleaning operations to a sanitary sewer or
17 septic tank or to the surface or in groundwater.

18 (C) That every drycleaning facility:

19 (I) install a containment dike or other
20 containment structure around each machine, item of
21 equipment, drycleaning area, and portable waste
22 container in which any drycleaning solvent is
23 utilized, which shall be capable of containing
24 leaks, spills, or releases of drycleaning solvent
25 from that machine, item, area, or container. The
26 containment dike or other containment structure

1 shall be capable of at least the following: (i)
2 containing a capacity of 110% of the drycleaning
3 solvent in the largest tank or vessel within the
4 machine; (ii) containing 100% of the drycleaning
5 solvent of each item of equipment or drycleaning
6 area; and (iii) containing 100% of the drycleaning
7 solvent of the largest portable waste container or
8 at least 10% of the total volume of the portable
9 waste containers stored within the containment
10 dike or structure, whichever is greater.

11 Petroleum underground storage tank systems
12 that are upgraded in accordance with USEPA upgrade
13 standards pursuant to 40 CFR Part 280 for the tanks
14 and related piping systems and use a leak detection
15 system approved by the USEPA or IEPA are exempt
16 from this secondary containment requirement; and

17 (II) seal or otherwise render impervious those
18 portions of diked floor surfaces on which a
19 drycleaning solvent may leak, spill, or otherwise
20 be released.

21 (D) A requirement that all drycleaning solvent
22 shall be delivered to drycleaning facilities by means
23 of closed, direct-coupled delivery systems.

24 (6) An active drycleaning facility has maintained
25 continuous financial assurance for environmental liability
26 coverage in the amount of at least \$500,000 at least since

1 the date of award of benefits under this Section or July 1,
2 2000, whichever is earlier. An uninsured drycleaning
3 facility that has filed an application for insurance with
4 the Fund by January 1, 2004, obtained insurance through
5 that application, and maintained that insurance coverage
6 continuously shall be considered to have conformed with the
7 requirements of this subdivision (6). To conform with this
8 requirement the applicant must pay the equivalent of the
9 total premiums due for the period beginning June 30, 2000
10 through the date of application plus a 20% penalty of the
11 total premiums due for that period.

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

14 (d) A claimant shall submit a completed application form
15 provided by the Council. The application shall contain
16 documentation of activities, plans, and expenditures
17 associated with the eligible costs incurred in response to a
18 release of drycleaning solvent from a drycleaning facility.
19 Application for remedial action account benefits must be
20 submitted to the Council on or before June 30, 2005.

21 (e) Claimants shall be subject to the following deductible
22 requirements, unless modified pursuant to the Council's
23 authority under Section 75:

24 (1) An eligible claimant submitting a claim for an
25 active drycleaning facility is responsible for the first
26 \$5,000 of eligible investigation costs and for the first

1 \$10,000 of eligible remedial action costs incurred in
2 connection with the release from the drycleaning facility
3 and is only eligible for reimbursement for costs that
4 exceed those amounts, subject to any other limitations of
5 this Act.

6 (2) An eligible claimant submitting a claim for an
7 inactive drycleaning facility is responsible for the first
8 \$10,000 of eligible investigation costs and for the first
9 \$10,000 of eligible remedial action costs incurred in
10 connection with the release from that drycleaning
11 facility, and is only eligible for reimbursement for costs
12 that exceed those amounts, subject to any other limitations
13 of this Act.

14 (f) Claimants are subject to the following limitations on
15 reimbursement:

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

21 (2) A contract in which one of the parties to the
22 contract is a claimant, for goods or services that may be
23 payable or reimbursable from the Council, is void and
24 unenforceable unless and until the Council has found that
25 the contract terms are within the range of usual and
26 customary rates for similar or equivalent goods or services

1 within this State and has found that the goods or services
2 are necessary for the claimant to comply with Council
3 standards or other applicable regulatory standards.

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

13 (4) The Council may require a claimant to obtain and
14 submit 3 bids and may require specific terms and conditions
15 in a contract subject to approval.

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

22 (6) Unless emergency conditions exist, a service
23 provider shall obtain the Council's approval of the budget
24 for the remediation work before commencing the work. No
25 expense incurred that is above the budgeted amount shall be
26 paid unless the Council approves the expense prior to its

1 being incurred. All invoices and bills relating to the
2 remediation work shall be submitted with appropriate
3 documentation, as deemed necessary by the Council.

4 (7) Neither the Council nor an eligible claimant is
5 responsible for payment for costs incurred that have not
6 been previously approved by the Council, unless an
7 emergency exists.

8 (8) The Council may determine the usual and customary
9 costs of each item for which reimbursement may be awarded
10 under this Section. The Council may revise the usual and
11 customary costs from time to time as necessary, but costs
12 submitted for reimbursement shall be subject to the rates
13 in effect at the time the costs were incurred.

14 (9) If a claimant has pollution liability insurance
15 coverage other than coverage provided by the insurance
16 account under this Act, that coverage shall be primary.
17 Reimbursement from the remedial account shall be limited to
18 the deductible amounts under the primary coverage and the
19 amount that exceeds the policy limits of the primary
20 coverage, subject to the deductible amounts of this Act. If
21 there is a dispute between the claimant and the primary
22 insurance provider, reimbursement from the remedial action
23 account may be made to the claimant after the claimant
24 assigns all of his or her interests in the insurance
25 coverage to the Council.

26 (g) The source of funds for the remedial action account

1 shall be moneys allocated to the account by the Council
2 according to the Fund budget approved by the Council.

3 (h) A drycleaning facility will be classified as active or
4 inactive for purposes of determining benefits under this
5 Section based on the status of the facility on the date a claim
6 is filed.

7 (i) Eligible claimants shall conduct remedial action in
8 accordance with the Site Remediation Program under the
9 Environmental Protection Act and Part 740 of Title 35 of the
10 Illinois Administrative Code and the Tiered Approach to Cleanup
11 Objectives under Part 742 of Title 35 of the Illinois
12 Administrative Code.

13 (j) Effective January 1, 2012, an active drycleaning
14 facility that has previously received or is currently receiving
15 reimbursement for the costs of a remedial action, as defined in
16 this Act, shall maintain continuous financial assurance for
17 environmental liability coverage in the amount of at least
18 \$500,000 until the earlier of (i) January 1, 2020 or (ii) the
19 date the Council determines the drycleaning facility is an
20 inactive drycleaning facility. Failure to comply with this
21 requirement will result in the revocation of the drycleaning
22 facility's existing license and in the inability of the
23 drycleaning facility to obtain or renew a license under Section
24 60 of this Act.

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

1 (Text of Section after amendment by P.A. 101-400)

2 Sec. 40. Remedial action account.

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

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

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

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

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

26 (1) The claimant demonstrates that the source of the

1 release is from the claimant's drycleaning facility.

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

6 (3) The claimant reported the release in a timely
7 manner in accordance with State law.

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

11 (5) If the claimant is the owner or operator of an
12 active drycleaning facility, the claimant must ensure
13 that:

14 (A) All drycleaning solvent wastes generated at
15 the drycleaning facility are managed in accordance
16 with applicable 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 or to the surface or in groundwater.

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

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

12 Petroleum underground storage tank systems that
13 are in compliance with USEPA and State Fire Marshal
14 rules, including, but not limited to, leak detection
15 system rules, are exempt from this secondary
16 containment requirement.

17 (D) Those portions of diked floor surfaces on which
18 a drycleaning solvent may leak, spill, or otherwise be
19 released are sealed or otherwise impervious.

20 (E) All drycleaning solvent is delivered to
21 drycleaning facilities by means of closed,
22 direct-coupled delivery systems.

23 (6) An active drycleaning facility has maintained
24 continuous financial assurance for environmental liability
25 coverage in the amount of at least \$500,000 at least since
26 the date of award of benefits under this Section or July 1,

1 2000, whichever is earlier. An uninsured drycleaning
2 facility that ~~has~~ filed an application for insurance with
3 the Fund by January 1, 2004, obtained insurance through
4 that application, and maintained that insurance coverage
5 continuously shall be considered to have conformed with the
6 requirements of this subdivision (6). To conform with this
7 requirement the applicant must pay the equivalent of the
8 total premiums due for the period beginning June 30, 2000
9 through the date of application plus a 20% penalty of the
10 total premiums due for that period.

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

13 (d) A claimant must have submitted a completed application
14 form provided by the Council. The application shall contain
15 documentation of activities, plans, and expenditures
16 associated with the eligible costs incurred in response to a
17 release of drycleaning solvent from a drycleaning facility.
18 Application for remedial action account benefits must have been
19 submitted to the Council on or before June 30, 2005.

20 (e) Claimants shall be subject to the following deductible
21 requirements:

22 (1) If, by January 1, 2008, an eligible claimant
23 submitting a claim for an active drycleaning facility
24 completed site investigation and submitted to the Council a
25 complete remedial action plan for the site, then the
26 eligible claimant is responsible for the first \$5,000 of

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

13 (2) If, by January 1, 2008, an eligible claimant
14 submitting a claim for an inactive drycleaning facility
15 completed site investigation and submitted to the Council a
16 complete remedial action plan for the site, then the
17 claimant is responsible for the first \$10,000 of eligible
18 investigation costs and for the first \$10,000 of eligible
19 remedial action costs incurred in connection with the
20 release from that drycleaning facility, and is only
21 eligible for reimbursement for costs that exceed those
22 amounts, subject to any other limitations of this Act. Any
23 eligible claimant submitting any other claim for an
24 inactive drycleaning facility is responsible for the first
25 \$15,000 of eligible investigation costs and for the first
26 \$15,000 of eligible remedial action costs incurred in

1 connection with the release from the drycleaning facility,
2 and is only eligible for reimbursement for costs that
3 exceed those amounts, subject to any other limitations of
4 this Act.

5 (f) Claimants are subject to the following limitations on
6 reimbursement:

7 (1) Subsequent to meeting the deductible requirements
8 of subsection (e), reimbursement shall not exceed \$300,000
9 per active drycleaning facility and \$50,000 per inactive
10 drycleaning facility.

11 (2) (Blank).

12 (3) (Blank).

13 (4) The Agency may require a claimant to obtain and
14 submit 3 bids and may require specific terms and conditions
15 in a contract subject to approval.

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

22 (6) Unless emergency conditions exist, a service
23 provider shall obtain the Agency's approval of all
24 remediation work to be reimbursed from the Fund and a
25 budget for the remediation work before commencing the work.
26 No expense incurred that is above the budgeted amount shall

1 be paid unless the Agency approves the expense. All
2 invoices and bills relating to the remediation work shall
3 be submitted with appropriate documentation, as deemed
4 necessary by the Agency.

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

9 (8) To be eligible for reimbursement from the Fund,
10 costs must be within the range of usual and customary rates
11 for similar or equivalent goods or services, incurred in
12 performance of remediation work approved by the Agency, and
13 necessary to respond to the release for which the claimant
14 is seeking reimbursement from the Fund.

15 (9) If a claimant has pollution liability insurance
16 coverage other than coverage provided by the insurance
17 account under this Act, that coverage shall be primary.
18 Reimbursement from the remedial account shall be limited to
19 the deductible amounts under the primary coverage and the
20 amount that exceeds the policy limits of the primary
21 coverage, subject to the deductible amounts established
22 pursuant to this Act.

23 (f-5) Costs of corrective action or indemnification
24 incurred by a claimant which have been paid to a claimant under
25 a policy of insurance other than the insurance provided under
26 this Act, another written agreement, or a court order are not

1 eligible for reimbursement. A claimant who receives payment
2 under such a policy, written agreement, or court order shall
3 reimburse the State to the extent such payment covers costs for
4 which payment was received from the Fund. Any moneys received
5 by the State under this subsection shall be deposited into the
6 Fund.

7 (g) The source of funds for the remedial action account
8 shall be moneys allocated to the account by the Agency.

9 (h) A drycleaning facility will be classified as active or
10 inactive for purposes of determining benefits under this
11 Section based on the status of the facility on the date a claim
12 is filed.

13 (i) Eligible claimants shall conduct remedial action in
14 accordance with Title XVII of the Environmental Protection Act
15 and rules adopted under that Act.

16 (j) Effective January 1, 2012, the owner or operator of an
17 active drycleaning facility that has previously received or is
18 currently receiving reimbursement for the costs of a remedial
19 action, as defined in this Act, shall maintain continuous
20 financial assurance for environmental liability coverage in
21 the amount of at least \$500,000 for that facility until January
22 1, 2030. Failure to comply with this requirement will result in
23 the revocation of the drycleaning facility's existing license
24 and in the inability of the drycleaning facility to obtain or
25 renew a license under Section 60 of this Act.

26 (k) Owners ~~Effective January 1, 2020, owners~~ and operators

1 of inactive drycleaning facilities that are eligible for
2 reimbursement from the Fund ~~on that date~~ shall, through
3 calendar year 2029 ~~until January 1, 2030~~, pay an annual \$3,000
4 administrative assessment each calendar year to the Agency for
5 the facility. For calendar year 2020, the annual assessment
6 described in this subsection (k) is due on or before October 1,
7 2020. For each subsequent calendar year, the annual assessment
8 described in this subsection (k) is due on or before February 1
9 of the applicable calendar year. Administrative assessments
10 collected by the Agency under this subsection (k) shall be
11 deposited into the Fund.

12 (Source: P.A. 101-400, eff. 7-1-20.)

13 (415 ILCS 135/60)

14 (Text of Section before amendment by P.A. 101-400)

15 (Section scheduled to be repealed on January 1, 2020;
16 Public Act 101-400 contains language changing the repeal date
17 of this Section from January 1, 2020 to January 1, 2030, but
18 the repeal of this Section takes place before Public Act
19 101-400 takes effect on July 1, 2020)

20 Sec. 60. Drycleaning facility license.

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

24 (b) The Council shall issue an initial or renewal license
25 to a drycleaning facility on submission by an applicant of a

1 completed form prescribed by the Council, proof of payment of
2 the required fee to the Department of Revenue, and, if the
3 drycleaning facility has previously received or is currently
4 receiving reimbursement for the costs of a remedial action, as
5 defined in this Act, proof of compliance with subsection (j) of
6 Section 40. Beginning January 1, 2013, license renewal
7 application forms must include a certification by the applicant
8 that all hazardous waste stored at the drycleaning facility is
9 stored in accordance with all applicable federal and state laws
10 and regulations, and that all hazardous waste transported from
11 the drycleaning facility is transported in accordance with all
12 applicable federal and state laws and regulations. Also,
13 beginning January 1, 2013, license renewal applications must
14 include copies of all manifests for hazardous waste transported
15 from the drycleaning facility during the previous 12 months or
16 since the last submission of copies of manifests, whichever is
17 longer. If the Council does not receive a copy of a manifest
18 for a drycleaning facility within a 3-year period, or within a
19 shorter period as determined by the Council, the Council shall
20 make appropriate inquiry into the management of hazardous waste
21 at the facility and may share the results of the inquiry with
22 the Agency.

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

- 25 (1) \$500 for a facility that uses (i) 50 gallons or
26 less of chlorine-based or green drycleaning solvents

1 annually, (ii) 250 or less gallons annually of
2 hydrocarbon-based drycleaning solvents in a drycleaning
3 machine equipped with a solvent reclaimer, or (iii) 500
4 gallons or less annually of hydrocarbon-based drycleaning
5 solvents in a drycleaning machine without a solvent
6 reclaimer.

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

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

25 (4) \$1,000 for a facility that uses (i) more than 150
26 gallons but not more than 200 gallons of chlorine-based or

1 green drycleaning solvents annually, (ii) more than 750
2 gallons but not more than 1,000 gallons annually of
3 hydrocarbon-based solvents in a drycleaning machine
4 equipped with a solvent reclaimer, or (iii) more than 1,500
5 gallons but not more than 2,000 gallons annually of
6 hydrocarbon-based drycleaning solvents in a drycleaning
7 machine without a solvent reclaimer.

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

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

26 (7) \$1,000 for a facility that uses (i) more than 300

1 gallons but not more than 350 gallons of chlorine-based or
2 green drycleaning solvents annually, (ii) more than 1,500
3 gallons but not more than 1,750 gallons annually of
4 hydrocarbon-based solvents in a drycleaning machine
5 equipped with a solvent reclaimer, or (iii) more than 3,000
6 gallons but not more than 3,500 gallons annually of
7 hydrocarbon-based drycleaning solvents in a drycleaning
8 machine without a solvent reclaimer.

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

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

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

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

19 (12) \$1,500 for a facility that uses (i) more than 550
20 gallons but not more than 600 gallons of chlorine-based or
21 green drycleaning solvents annually, (ii) more than 2,750
22 gallons but not more than 3,000 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer, or (iii) more than 5,500
25 gallons but not more than 6,000 gallons annually of
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

2 (13) \$1,500 for a facility that uses (i) more than 600
3 gallons of chlorine-based or green drycleaning solvents
4 annually, (ii) more than 3,000 gallons but not more than
5 3,250 gallons annually of hydrocarbon-based solvents in a
6 drycleaning machine equipped with a solvent reclaimer, or
7 (iii) more than 6,000 gallons of hydrocarbon-based
8 drycleaning solvents annually in a drycleaning machine
9 equipped without a solvent reclaimer.

10 (14) \$1,500 for a facility that uses more than 3,250
11 gallons but not more than 3,500 gallons annually of
12 hydrocarbon-based solvents in a drycleaning machine
13 equipped with a solvent reclaimer.

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

18 (16) \$1,500 for a facility that uses more than 3,750
19 gallons but not more than 4,000 gallons annually of
20 hydrocarbon-based solvents in a drycleaning machine
21 equipped with a solvent reclaimer.

22 (17) \$1,500 for a facility that uses more than 4,000
23 gallons annually of hydrocarbon-based solvents in a
24 drycleaning machine equipped with a solvent reclaimer.

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

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

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

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

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

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

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

23 (e) An operator of a drycleaning facility shall submit the
24 appropriate application form provided by the Council with the
25 license fee in the form of cash, credit card, business check,
26 or guaranteed remittance to the Department of Revenue. The

1 Department may accept payment of the license fee under this
2 Section by credit card only if the Department is not required
3 to pay a discount fee charged by the credit card issuer. The
4 license fee payment form and the actual license fee payment
5 shall be administered by the Department of Revenue under rules
6 adopted by that Department.

7 (f) The Department of Revenue shall issue a proof of
8 payment receipt to each operator of a drycleaning facility who
9 has paid the appropriate fee in cash or by guaranteed
10 remittance, credit card, or business check. However, the
11 Department of Revenue shall not issue a proof of payment
12 receipt to a drycleaning facility that is liable to the
13 Department of Revenue for a tax imposed under this Act. The
14 original receipt shall be presented to the Council by the
15 operator of a drycleaning facility.

16 (g) (Blank).

17 (h) The Council and the Department of Revenue may adopt
18 rules as necessary to administer the licensing requirements of
19 this Act.

20 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;
21 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.
22 7-13-12; 97-1057, eff. 1-1-13.)

23 (Text of Section after amendment by P.A. 101-400)

24 (Section scheduled to be repealed on January 1, 2020;
25 Public Act 101-400 contains language changing the repeal date

1 of this Section from January 1, 2020 to January 1, 2030, but
2 the repeal of this Section takes place before Public Act
3 101-400 takes effect on July 1, 2020))

4 Sec. 60. Drycleaning facility license.

5 (a) No person shall operate a drycleaning facility in this
6 State without a license issued by the Council or Agency. Until
7 July 1, 2020, the license required under this subsection shall
8 be issued by the Council. On and after July 1, 2020, the
9 license required under this subsection shall be issued by the
10 Agency.

11 (b) Beginning July 1, 2020, an initial or renewal license
12 shall be issued to a drycleaning facility on submission by an
13 applicant of a completed form prescribed by the Agency and
14 proof of payment of the required fee to the Department of
15 Revenue, and, if the drycleaning facility has previously
16 received or is currently receiving reimbursement for the costs
17 of a remedial action, as defined in this Act, proof of
18 compliance with subsection (j) of Section 40. The Agency shall
19 make available on its website an electronic copy of the
20 required license and license renewal applications. License
21 renewal application forms must include a certification by the
22 applicant:

23 (1) that all hazardous waste stored at the drycleaning
24 facility is stored in accordance with all applicable
25 federal and state laws and regulations;

26 (2) that all hazardous waste transported from the

1 drycleaning facility is transported in accordance with all
2 applicable federal and state laws and regulations; and

3 (3) that the applicant has successfully completed all
4 continuing education requirements adopted by the Board
5 pursuant to Section 12 of this ~~the Drycleaner Environmental~~
6 ~~Response Trust Fund Act.~~

7 (c) The annual fees for licensure are as follows:

8 (1) \$1,500 for a facility that uses (i) 50 gallons or
9 less of chlorine-based or green drycleaning solvents
10 annually, (ii) 250 or less gallons annually of
11 hydrocarbon-based drycleaning solvents in a drycleaning
12 machine equipped with a solvent reclaimer, or (iii) 500
13 gallons or less annually of hydrocarbon-based drycleaning
14 solvents in a drycleaning machine without a solvent
15 reclaimer.

16 (2) \$2,250 for a facility that uses (i) more than 50
17 gallons but not more than 100 gallons of chlorine-based or
18 green drycleaning solvents annually, (ii) more than 250
19 gallons but not more 500 gallons annually of
20 hydrocarbon-based solvents in a drycleaning machine
21 equipped with a solvent reclaimer, or (iii) more than 500
22 gallons but not more than 1,000 gallons annually of
23 hydrocarbon-based drycleaning solvents in a drycleaning
24 machine without a solvent reclaimer.

25 (3) \$3,000 for a facility that uses (i) more than 100
26 gallons but not more than 150 gallons of chlorine-based or

1 green drycleaning solvents annually, (ii) more than 500
2 gallons but not more than 750 gallons annually of
3 hydrocarbon-based solvents in a drycleaning machine
4 equipped with a solvent reclaimer, or (iii) more than 1,000
5 gallons but not more than 1,500 gallons annually of
6 hydrocarbon-based drycleaning solvents in a drycleaning
7 machine without a solvent reclaimer.

8 (4) \$3,750 for a facility that uses (i) more than 150
9 gallons but not more than 200 gallons of chlorine-based or
10 green drycleaning solvents annually, (ii) more than 750
11 gallons but not more than 1,000 gallons annually of
12 hydrocarbon-based solvents in a drycleaning machine
13 equipped with a solvent reclaimer, or (iii) more than 1,500
14 gallons but not more than 2,000 gallons annually of
15 hydrocarbon-based drycleaning solvents in a drycleaning
16 machine without a solvent reclaimer.

17 (5) \$4,500 for a facility that uses (i) more than 200
18 gallons but not more than 250 gallons of chlorine-based or
19 green drycleaning solvents annually, (ii) more than 1,000
20 gallons but not more than 1,250 gallons annually of
21 hydrocarbon-based solvents in a drycleaning machine
22 equipped with a solvent reclaimer, or (iii) more than 2,000
23 gallons but not more than 2,500 gallons annually of
24 hydrocarbon-based drycleaning solvents in a drycleaning
25 machine without a solvent reclaimer.

26 (6) \$5,000 for a facility that uses (i) more than 250

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

9 (7) \$5,000 for a facility that uses (i) more than 300
10 gallons but not more than 350 gallons of chlorine-based or
11 green drycleaning solvents annually, (ii) more than 1,500
12 gallons but not more than 1,750 gallons annually of
13 hydrocarbon-based solvents in a drycleaning machine
14 equipped with a solvent reclaimer, or (iii) more than 3,000
15 gallons but not more than 3,500 gallons annually of
16 hydrocarbon-based drycleaning solvents in a drycleaning
17 machine without a solvent reclaimer.

18 (8) \$5,000 for a facility that uses (i) more than 350
19 gallons but not more than 400 gallons of chlorine-based or
20 green drycleaning solvents annually, (ii) more than 1,750
21 gallons but not more than 2,000 gallons annually of
22 hydrocarbon-based solvents in a drycleaning machine
23 equipped with a solvent reclaimer, or (iii) more than 3,500
24 gallons but not more than 4,000 gallons annually of
25 hydrocarbon-based drycleaning solvents in a drycleaning
26 machine without a solvent reclaimer.

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

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

19 (11) \$5,000 for a facility that uses (i) more than 500
20 gallons but not more than 550 gallons of chlorine-based or
21 green drycleaning solvents annually, (ii) more than 2,500
22 gallons but not more than 2,750 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer, or (iii) more than 5,000
25 gallons but not more than 5,500 gallons annually of
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

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

11 (13) \$5,000 for a facility that uses (i) more than 600
12 gallons of chlorine-based or green drycleaning solvents
13 annually, (ii) more than 3,000 gallons but not more than
14 3,250 gallons annually of hydrocarbon-based solvents in a
15 drycleaning machine equipped with a solvent reclaimer, or
16 (iii) more than 6,000 gallons of hydrocarbon-based
17 drycleaning solvents annually in a drycleaning machine
18 equipped without a solvent reclaimer.

19 (14) \$5,000 for a facility that uses more than 3,250
20 gallons but not more than 3,500 gallons annually of
21 hydrocarbon-based solvents in a drycleaning machine
22 equipped with a solvent reclaimer.

23 (15) \$5,000 for a facility that uses more than 3,500
24 gallons but not more than 3,750 gallons annually of
25 hydrocarbon-based solvents used in a drycleaning machine
26 equipped with a solvent reclaimer.

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

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

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

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

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

18 (d) A license issued under this Section shall expire one
19 year after the date of issuance and may be renewed on
20 reapplication to the Agency Council and submission of proof of
21 payment of the appropriate fee to the Department of Revenue in
22 accordance with subsections (c) and (e).

23 (e) An operator of a drycleaning facility shall submit the
24 appropriate application form provided by the Agency with the
25 license fee in the form of cash, credit card, business check,
26 or guaranteed remittance to the Department of Revenue. The

1 Department may accept payment of the license fee under this
2 Section by credit card only if the Department is not required
3 to pay a discount fee charged by the credit card issuer. The
4 license fee payment form and the actual license fee payment
5 shall be administered by the Department of Revenue under rules
6 adopted by that Department.

7 (f) The Department of Revenue shall issue a proof of
8 payment receipt to each operator of a drycleaning facility who
9 has paid the appropriate fee in cash or by guaranteed
10 remittance, credit card, or business check. However, the
11 Department of Revenue shall not issue a proof of payment
12 receipt to a drycleaning facility that is liable to the
13 Department of Revenue for a tax imposed under this Act. The
14 original receipt shall be presented to the Agency Council ~~Council~~ by
15 the operator of a drycleaning facility.

16 (g) (Blank).

17 (h) The Board and the Department of Revenue may adopt rules
18 as necessary to administer the licensing requirements of this
19 Act.

20 (Source: P.A. 101-400, eff. 7-1-20.)

21 Section 99. Effective date. This Act takes effect December
22 31, 2019, except that Section 15 takes effect on July 1,
23 2020."