

1 AN ACT concerning safety.

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

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

6 (415 ILCS 5/22.57 new)

7 Sec. 22.57. Perchloroethylene in drycleaning.

8 (a) For the purposes of this Section:

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

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

14 "Drycleaning solvents" means solvents used in drycleaning.

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

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

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

1 perchloroethylene.

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

7 (b) Beginning January 1, 2013:

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

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

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

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

26 (A) Successful completion of an initial

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

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

24 (2) For drycleaning facilities where one or more  
25 perchloroethylene drycleaning machines are used, proof of  
26 successful completion of the training required under

1 paragraph (1) of subsection (c) of this Section is  
2 maintained at the drycleaning facility. Proof of  
3 successful completion of the training must be made  
4 available for inspection and copying by the Agency or units  
5 of local government during normal business hours. Training  
6 used to satisfy paragraph (2) of subsection (d) of Section  
7 45 of the Drycleaner Environmental Response Trust Fund Act  
8 may also be used to satisfy paragraph (1) of subsection (c)  
9 of this Section to the extent that it meets the  
10 requirements of paragraph (1) of subsection (c) of this  
11 Section.

12 (3) All of the following secondary containment  
13 measures are in place:

14 (A) There is a containment dike or other  
15 containment structure around each machine, item of  
16 equipment, drycleaning area, and portable waste  
17 container in which any drycleaning solvent is  
18 utilized, which shall be capable of containing leaks,  
19 spills, or releases of drycleaning solvent from that  
20 machine, item, area, or container. The containment  
21 dike or other containment structure shall be capable of  
22 at least the following: (i) containing a capacity of  
23 110% of the drycleaning solvent in the largest tank or  
24 vessel within the machine; (ii) containing 100% of the  
25 drycleaning solvent of each item of equipment or  
26 drycleaning area; and (iii) containing 100% of the

1 drycleaning solvent of the largest portable waste  
2 container or at least 10% of the total volume of the  
3 portable waste containers stored within the  
4 containment dike or structure, whichever is greater.  
5 Petroleum underground storage tank systems that are  
6 upgraded in accordance with USEPA upgrade standards  
7 pursuant to 40 CFR Part 280 for the tanks and related  
8 pipng systems and use a leak detection system approved  
9 by the USEPA or the Agency are exempt from this  
10 subparagraph (A).

11 (B) Those portions of diked floor surfaces on which  
12 a drycleaning solvent may leak, spill, or otherwise be  
13 released have been sealed or otherwise rendered  
14 impervious.

15 (C) All chlorine-based drycleaning solvent is  
16 delivered to the drycleaning facility by means of  
17 closed, direct-coupled delivery systems. The Dry  
18 Cleaner Environmental Response Trust Fund Council may  
19 adopt rules specifying methods of delivery of solvents  
20 other than chlorine-based solvents to drycleaning  
21 facilities. Solvents other than chlorine-based  
22 solvents must be delivered to drycleaning facilities  
23 in accordance with rules adopted by the Dry Cleaner  
24 Environmental Response Trust Fund Council.

25 (d) Manufacturers of drycleaning solvents or other  
26 cleaning agents used as alternatives to perchloroethylene

1 drycleaning that are sold or offered for sale in Illinois must,  
2 in accordance with Agency rules, provide to the Agency  
3 sufficient information to allow the Agency to determine whether  
4 the drycleaning solvents or cleaning agents may pose negative  
5 impacts to human health or the environment. These alternatives  
6 shall include, but are not limited to, drycleaning solvents or  
7 other cleaning agents used in solvent-based cleaning,  
8 carbon-dioxide based cleaning, and professional wet cleaning  
9 methods. The information shall include, but is not limited to,  
10 information regarding the physical and chemical properties of  
11 the drycleaning solvents or cleaning agents and toxicity data.  
12 No later than July 1, 2015, the Agency shall adopt in  
13 accordance with the Illinois Administrative Procedure Act  
14 rules specifying the information that manufacturers must  
15 submit under this subsection (d). The rules must include, but  
16 shall not be limited to, a deadline for submission of the  
17 information to the Agency. No later than July 1, 2018, the  
18 Agency shall post information resulting from its review of the  
19 drycleaning solvents and cleaning agents on the Agency's  
20 website.

21 (e) No later than January 1, 2016, the Agency shall submit  
22 to the General Assembly a report on the impact to groundwater  
23 from newly discovered releases of perchloroethylene from any  
24 source in this State. Depending on the nature and scope of any  
25 releases that have impacted groundwater, the report may  
26 include, but shall not be limited to, recommendations for

1 reducing or eliminating impacts to groundwater from future  
2 releases.

3 Section 10. The Drycleaner Environmental Response Trust  
4 Fund Act is amended by changing Section 60 as follows:

5 (415 ILCS 135/60)

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

7 Sec. 60. Drycleaning facility license.

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

11 (b) The Council shall issue an initial or renewal license  
12 to a drycleaning facility on submission by an applicant of a  
13 completed form prescribed by the Council, proof of payment of  
14 the required fee to the Department of Revenue, and, if the  
15 drycleaning facility has previously received or is currently  
16 receiving reimbursement for the costs of a remedial action, as  
17 defined in this Act, proof of compliance with subsection (j) of  
18 Section 40. Beginning January 1, 2013, license renewal  
19 application forms must include a certification by the applicant  
20 that all hazardous waste stored at the drycleaning facility is  
21 stored in accordance with all applicable federal and state laws  
22 and regulations, and that all hazardous waste transported from  
23 the drycleaning facility is transported in accordance with all  
24 applicable federal and state laws and regulations. Also,

1 beginning January 1, 2013, license renewal applications must  
2 include copies of all manifests for hazardous waste transported  
3 from the drycleaning facility during the previous 12 months or  
4 since the last submission of copies of manifests, whichever is  
5 longer. If the Council does not receive a copy of a manifest  
6 for a drycleaning facility within a 3-year period, or within a  
7 shorter period as determined by the Council, the Council shall  
8 make appropriate inquiry into the management of hazardous waste  
9 at the facility and may share the results of the inquiry with  
10 the Agency.

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

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

21 (2) \$500 for a facility that uses (i) more than 50  
22 gallons but not more than 100 gallons of chlorine-based or  
23 green drycleaning solvents annually, (ii) more than 250  
24 gallons but not more 500 gallons annually of  
25 hydrocarbon-based solvents in a drycleaning machine  
26 equipped with a solvent reclaimer, or (iii) more than 500



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

4 (3) \$500 for a facility that uses (i) more than 100  
5 gallons but not more than 150 gallons of chlorine-based or  
6 green drycleaning solvents annually, (ii) more than 500  
7 gallons but not more than 750 gallons annually of  
8 hydrocarbon-based solvents in a drycleaning machine  
9 equipped with a solvent reclaimer, or (iii) more than 1,000  
10 gallons but not more than 1,500 gallons annually of  
11 hydrocarbon-based drycleaning solvents in a drycleaning  
12 machine without a solvent reclaimer.

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

22 (5) \$1,000 for a facility that uses (i) more than 200  
23 gallons but not more than 250 gallons of chlorine-based or  
24 green drycleaning solvents annually, (ii) more than 1,000  
25 gallons but not more than 1,250 gallons annually of  
26 hydrocarbon-based solvents in a drycleaning machine

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

5 (6) \$1,000 for a facility that uses (i) more than 250  
6 gallons but not more than 300 gallons of chlorine-based or  
7 green drycleaning solvents annually, (ii) more than 1,250  
8 gallons but not more than 1,500 gallons annually of  
9 hydrocarbon-based solvents in a drycleaning machine  
10 equipped with a solvent reclaimer, or (iii) more than 2,500  
11 gallons but not more than 3,000 gallons annually of  
12 hydrocarbon-based drycleaning solvents in a drycleaning  
13 machine without a solvent reclaimer.

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

23 (8) \$1,500 for a facility that uses (i) more than 350  
24 gallons but not more than 400 gallons of chlorine-based or  
25 green drycleaning solvents annually, (ii) more than 1,750  
26 gallons but not more than 2,000 gallons annually of

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

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

15 (10) \$1,500 for a facility that uses (i) more than 450  
16 gallons but not more than 500 gallons of chlorine-based or  
17 green drycleaning solvents annually, (ii) more than 2,250  
18 gallons but not more than 2,500 gallons annually of  
19 hydrocarbon-based solvents used in a drycleaning machine  
20 equipped with a solvent reclaimer, or (iii) more than 4,500  
21 gallons but not more than 5,000 gallons annually of  
22 hydrocarbon-based drycleaning solvents in a drycleaning  
23 machine without a solvent reclaimer.

24 (11) \$1,500 for a facility that uses (i) more than 500  
25 gallons but not more than 550 gallons of chlorine-based or  
26 green drycleaning solvents annually, (ii) more than 2,500

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

7 (12) \$1,500 for a facility that uses (i) more than 550  
8 gallons but not more than 600 gallons of chlorine-based or  
9 green drycleaning solvents annually, (ii) more than 2,750  
10 gallons but not more than 3,000 gallons annually of  
11 hydrocarbon-based solvents in a drycleaning machine  
12 equipped with a solvent reclaimer, or (iii) more than 5,500  
13 gallons but not more than 6,000 gallons annually of  
14 hydrocarbon-based drycleaning solvents in a drycleaning  
15 machine without a solvent reclaimer.

16 (13) \$1,500 for a facility that uses (i) more than 600  
17 gallons of chlorine-based or green drycleaning solvents  
18 annually, (ii) more than 3,000 gallons but not more than  
19 3,250 gallons annually of hydrocarbon-based solvents in a  
20 drycleaning machine equipped with a solvent reclaimer, or  
21 (iii) more than 6,000 gallons of hydrocarbon-based  
22 drycleaning solvents annually in a drycleaning machine  
23 equipped without a solvent reclaimer.

24 (14) \$1,500 for a facility that uses more than 3,250  
25 gallons but not more than 3,500 gallons annually of  
26 hydrocarbon-based solvents in a drycleaning machine

1 equipped with a solvent reclaimer.

2 (15) \$1,500 for a facility that uses more than 3,500  
3 gallons but not more than 3,750 gallons annually of  
4 hydrocarbon-based solvents used in a drycleaning machine  
5 equipped with a solvent reclaimer.

6 (16) \$1,500 for a facility that uses more than 3,750  
7 gallons but not more than 4,000 gallons annually of  
8 hydrocarbon-based solvents in a drycleaning machine  
9 equipped with a solvent reclaimer.

10 (17) \$1,500 for a facility that uses more than 4,000  
11 gallons annually of hydrocarbon-based solvents in a  
12 drycleaning machine equipped with a solvent reclaimer.

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

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

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

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

26 (d) A license issued under this Section shall expire one

1 year after the date of issuance and may be renewed on  
2 reapplication to the Council and submission of proof of payment  
3 of the appropriate fee to the Department of Revenue in  
4 accordance with subsections (c) and (e). At least 30 days  
5 before payment of a renewal licensing fee is due, the Council  
6 shall attempt to:

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

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

11 (e) An operator of a drycleaning facility shall submit the  
12 appropriate application form provided by the Council with the  
13 license fee in the form of cash, credit card, business check,  
14 or guaranteed remittance to the Department of Revenue. The  
15 Department may accept payment of the license fee under this  
16 Section by credit card only if the Department is not required  
17 to pay a discount fee charged by the credit card issuer. The  
18 license fee payment form and the actual license fee payment  
19 shall be administered by the Department of Revenue under rules  
20 adopted by that Department.

21 (f) The Department of Revenue shall issue a proof of  
22 payment receipt to each operator of a drycleaning facility who  
23 has paid the appropriate fee in cash or by guaranteed  
24 remittance, credit card, or business check. However, the  
25 Department of Revenue shall not issue a proof of payment  
26 receipt to a drycleaning facility that is liable to the

1 Department of Revenue for a tax imposed under this Act. The  
2 original receipt shall be presented to the Council by the  
3 operator of a drycleaning facility.

4 (g) (Blank).

5 (h) The Council and the Department of Revenue may adopt  
6 rules as necessary to administer the licensing requirements of  
7 this Act.

8 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
9 97-377, eff. 1-1-12; 97-663, eff. 1-13-12.)

10 Section 99. Effective date. This Act takes effect January  
11 1, 2013.