



Sen. James F. Clayborne, Jr.

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LRB098 05082 EFG 44615 a

1 AMENDMENT TO SENATE BILL 849

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 849 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Drycleaner Environmental Response Trust  
5 Fund Act is amended by changing Sections 5, 20, 30, 60, 65, 67,  
6 68, 69, 70, and 75 and by adding Section 61 as follows:

7 (415 ILCS 135/5)

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

9 (a) "Active drycleaning facility" means a drycleaning  
10 facility actively engaged in drycleaning operations ~~and~~  
11 ~~licensed under Section 60 of this Act.~~

12 (b) "Agency" means the Illinois Environmental Protection  
13 Agency.

14 (c) "Claimant" means an owner or operator of a drycleaning  
15 facility who has applied for reimbursement from the remedial  
16 account or who has submitted a claim under the insurance

1 account with respect to a release.

2 (d) "Council" means the Drycleaner Environmental Response  
3 Trust Fund Council.

4 (e) "Drycleaner Environmental Response Trust Fund" or  
5 "Fund" means the fund created under Section 10 of this Act.

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

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

10 (2) industrial laundry, commercial laundry, or linen  
11 supply facility;

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

18 (4) not-for-profit hospital or other health care  
19 facility; or a

20 (5) facility located or formerly located on federal or  
21 State property.

22 (g) "Drycleaning operations" means drycleaning of apparel  
23 and household fabrics for the general public, as described in  
24 Standard Industrial Classification Industry No. 7215 and No.  
25 7216 in the Standard Industrial Classification Manual (SIC) by  
26 the Technical Committee on Industrial Classification.

1 (h) "Drycleaning solvent" means any and all nonaqueous  
2 solvents, including but not limited to a chlorine-based or  
3 petroleum-based formulation or product, including green  
4 solvents, that are used as a primary cleaning agent in  
5 drycleaning operations.

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

14 (j) "Groundwater" means underground water that occurs  
15 within the saturated zone and geologic materials where the  
16 fluid pressure in the pore space is equal to or greater than  
17 the atmospheric pressure.

18 (k) "Inactive drycleaning facility" means a drycleaning  
19 facility that is not being used for drycleaning operations and  
20 is not registered under this Act.

21 (l) "Maintaining a place of business in this State" or any  
22 like term means (1) having or maintaining within this State,  
23 directly or through a subsidiary, an office, distribution  
24 facility, distribution house, sales house, warehouse, or other  
25 place of business or (2) operating within this State as an  
26 agent or representative for a person or a person's subsidiary

1 engaged in the business of selling to persons within this  
2 State, irrespective of whether the place of business or agent  
3 or other representative is located in this State permanently or  
4 temporary, or whether the person or the person's subsidiary  
5 engages in the business of selling in this State.

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

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

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

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

22 (q) "Person" means an individual, trust, firm, joint stock  
23 company, corporation, consortium, joint venture, or other  
24 commercial entity.

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

1 (s) "Release" means any spilling, leaking, emitting,  
2 discharging, escaping, leaching, or dispersing of drycleaning  
3 solvents from a drycleaning facility to groundwater, surface  
4 water, or subsurface soils.

5 (t) "Remedial action" means activities taken to comply with  
6 Sections 58.6 and 58.7 of the Environmental Protection Act and  
7 rules adopted by the Pollution Control Board under those  
8 Sections.

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

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

18 (w) "Virgin facility" means a drycleaning facility that has  
19 never had chlorine-based or petroleum-based drycleaning  
20 solvents stored or used at the property prior to it becoming a  
21 green solvent drycleaning facility.

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

23 (415 ILCS 135/20)

24 Sec. 20. Council and Agency rules.

25 (a) The Council may adopt rules in accordance with the

1 emergency rulemaking provisions of Section 5-45 of the Illinois  
2 Administrative Procedure Act for one year after the effective  
3 date of this Act. Thereafter, the Council shall conduct general  
4 rulemaking as provided under the Illinois Administrative  
5 Procedure Act.

6 (b) The Council shall adopt rules regarding its practice  
7 and procedures for investigating and settling claims made  
8 against the Fund, determining reimbursement guidelines,  
9 coordinating with the Agency, and otherwise implementing and  
10 administering the Fund under this Act.

11 (c) The Council shall adopt rules regarding its practice  
12 and procedures to develop underwriting standards, establish  
13 insurance account coverage and risk factors, settle claims made  
14 against the insurance account of the Fund, determine  
15 appropriate deductibles or retentions in coverages or benefits  
16 offered under the insurance account of the Fund, determine  
17 reimbursement guidelines, and otherwise implement and  
18 administer the insurance account under this Act.

19 (d) The Council shall adopt rules necessary for the  
20 implementation and collection of insurance account premiums  
21 prior to offering insurance to an owner or operator of a  
22 drycleaning facility or other person.

23 (e) The Council shall adopt rules prescribing requirements  
24 for the retention of records by an owner or operator and the  
25 periods for which he or she must retain those records.

26 (f) The Council shall adopt rules describing the manner in

1 which all disbursed moneys received from the Agency shall be  
2 deposited with a bank or savings and loan association to be  
3 approved by the Council. For purposes of this subsection, the  
4 Council shall be considered a public agency and, therefore, no  
5 bank or savings and loan association shall receive public funds  
6 from the Council, and the Council shall not make any  
7 investments, unless in accordance with the Public Funds  
8 Investment Act.

9 (f-5) The Council shall review and revise its rules to  
10 bring them into compliance with this amendatory Act of the 98th  
11 General Assembly.

12 (f-10) The Agency may adopt rules as necessary or  
13 convenient to administer the Fund and perform its duties under  
14 this Act.

15 (g) All final Council decisions regarding the Fund or any  
16 reimbursement from the Fund and any decision concerning the  
17 classification of drycleaning solvents pursuant to subsection  
18 (a) of Section 65 of this Act and any notice of the assessment  
19 of civil penalties under Section 69 of this Act shall be  
20 subject to appeal to the Administrator of the Council, by the  
21 affected parties, within 60 days after the final decision. The  
22 Council shall determine by rule persons who have standing to  
23 appeal final Council decisions. Any written decision by the  
24 Administrator may be appealed to the Council within 60 days  
25 after the Administrator's final decision. Any decision by the  
26 Council may be appealed to the Council's administrative law

1 judge within 60 days after the Council's final decision. Notice  
2 of any hearing provided for by this Act shall be given not less  
3 than 7 days before the day fixed for the hearing. An appeal of  
4 the administrative law judge's decision will be subject to  
5 judicial review in accordance with the Administrative Review  
6 Law.

7 Any decision not timely appealed shall become a final  
8 administrative decision without the necessity of a final  
9 administrative decision being issued and shall be deemed to be  
10 a final administrative decision.

11 The Council shall adopt rules relating to appeal  
12 procedures.

13 The Council may designate an attorney, employed by the  
14 Council or privately employed, to act as an administrative law  
15 judge to preside at any administrative hearing resulting from  
16 the appeal of a Council decision. The Council and the  
17 Department of Revenue are authorized to enter into an agreement  
18 whereby an administrative law judge employed by the Department  
19 may be assigned to preside at the administrative hearings.

20 Proof of the Council's administrative decision may be made  
21 at any administrative or legal proceeding by a reproduced copy  
22 of the Council's record relating to the decision under the  
23 certificate of the Council. A reproduced copy shall, without  
24 further proof, be admitted into evidence and shall be prima  
25 facie proof of the decision.

26 The provisions of the Administrative Review Law, and any

1 rules adopted under the Administrative Review law by the  
2 Council, shall govern all proceedings for the judicial review  
3 of final administrative decisions of the Council. The term  
4 "administrative decision" has the same meaning as it does in  
5 Section 3-101 of the Code of Civil Procedure.

6 Venue for an administrative review action challenging the  
7 results of an administrative hearing upholding an  
8 administrative decision issued by the Council shall be proper  
9 in the Circuit Court of the county where the plaintiff has its  
10 principal place of business, or Sangamon County if the  
11 plaintiff's principal place of business is located outside  
12 Illinois.

13 (Source: P.A. 96-774, eff. 1-1-10.)

14 (415 ILCS 135/30)

15 Sec. 30. Independent contractors retained by Council.

16 (a) A contract entered into to retain a person to act as  
17 the administrator of the Fund shall be subject to public bid,  
18 provided that no such contract shall be entered into without  
19 the review and approval of the Director of the Agency. Subject  
20 to the provisions of subsection (c), the ~~The~~ Council may enter  
21 into a contract or an agreement authorized under this Act with  
22 a person, the Agency, the Department of Revenue, other  
23 departments, agencies, or governmental subdivisions of this  
24 State, another state, or the United States, in connection with  
25 its administration and implementation of this Act.

1 (b) The Council may reimburse a public or private  
2 contractor retained pursuant to this Section for expenses  
3 incurred in the execution of a contract or agreement.  
4 Reimbursable expenses include the costs of performing duties or  
5 powers specifically delegated by the Council.

6 (c) Beginning July 1, 2014, the Illinois Environmental  
7 Protection Agency shall be responsible for the administration  
8 of the Fund and shall administer and enforce the licensing  
9 requirements of this Act. Any contract retaining any other  
10 person or entity to act as the administrator of the Fund or to  
11 administer or enforce the licensing requirements of this Act  
12 shall not extend beyond June 30, 2014 and shall be terminated  
13 on or before that date.

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

15 (415 ILCS 135/60)

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

17 Sec. 60. Drycleaning facility license.

18 (a) Beginning July 1, 2014, the licensing provisions of  
19 this Section are superseded by Section 61.

20 On and after January 1, 1998 and until July 1, 2014, no  
21 person shall operate a drycleaning facility in this State  
22 without a license issued by the Council.

23 (b) The Council shall issue an initial or renewal license  
24 to a drycleaning facility on submission by an applicant of a  
25 completed form prescribed by the Council, proof of payment of

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

22 (c) On or after January 1, 2004 and except as provided in  
23 subsection (c-5), the annual fees for licensure are as follows:

24 (1) \$500 for a facility that uses (i) 50 gallons or  
25 less of chlorine-based or green drycleaning solvents  
26 annually, (ii) 250 or less gallons annually of

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

6 (2) \$500 for a facility that uses (i) more than 50  
7 gallons but not more than 100 gallons of chlorine-based or  
8 green drycleaning solvents annually, (ii) more than 250  
9 gallons but not more 500 gallons annually of  
10 hydrocarbon-based solvents in a drycleaning machine  
11 equipped with a solvent reclaimer, or (iii) more than 500  
12 gallons but not more than 1,000 gallons annually of  
13 hydrocarbon-based drycleaning solvents in a drycleaning  
14 machine without a solvent reclaimer.

15 (3) \$500 for a facility that uses (i) more than 100  
16 gallons but not more than 150 gallons of chlorine-based or  
17 green drycleaning solvents annually, (ii) more than 500  
18 gallons but not more than 750 gallons annually of  
19 hydrocarbon-based solvents in a drycleaning machine  
20 equipped with a solvent reclaimer, or (iii) more than 1,000  
21 gallons but not more than 1,500 gallons annually of  
22 hydrocarbon-based drycleaning solvents in a drycleaning  
23 machine without a solvent reclaimer.

24 (4) \$1,000 for a facility that uses (i) more than 150  
25 gallons but not more than 200 gallons of chlorine-based or  
26 green drycleaning solvents annually, (ii) more than 750

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

7 (5) \$1,000 for a facility that uses (i) more than 200  
8 gallons but not more than 250 gallons of chlorine-based or  
9 green drycleaning solvents annually, (ii) more than 1,000  
10 gallons but not more than 1,250 gallons annually of  
11 hydrocarbon-based solvents in a drycleaning machine  
12 equipped with a solvent reclaimer, or (iii) more than 2,000  
13 gallons but not more than 2,500 gallons annually of  
14 hydrocarbon-based drycleaning solvents in a drycleaning  
15 machine without a solvent reclaimer.

16 (6) \$1,000 for a facility that uses (i) more than 250  
17 gallons but not more than 300 gallons of chlorine-based or  
18 green drycleaning solvents annually, (ii) more than 1,250  
19 gallons but not more than 1,500 gallons annually of  
20 hydrocarbon-based solvents in a drycleaning machine  
21 equipped with a solvent reclaimer, or (iii) more than 2,500  
22 gallons but not more than 3,000 gallons annually of  
23 hydrocarbon-based drycleaning solvents in a drycleaning  
24 machine without a solvent reclaimer.

25 (7) \$1,000 for a facility that uses (i) more than 300  
26 gallons but not more than 350 gallons of chlorine-based or

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

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

17 (9) \$1,500 for a facility that uses (i) more than 400  
18 gallons but not more than 450 gallons of chlorine-based or  
19 green drycleaning solvents annually, (ii) more than 2,000  
20 gallons but not more than 2,250 gallons annually of  
21 hydrocarbon-based solvents in a drycleaning machine  
22 equipped with a solvent reclaimer, or (iii) more than 4,000  
23 gallons but not more than 4,500 gallons annually of  
24 hydrocarbon-based drycleaning solvents in a drycleaning  
25 machine without a solvent reclaimer.

26 (10) \$1,500 for a facility that uses (i) more than 450

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

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

18 (12) \$1,500 for a facility that uses (i) more than 550  
19 gallons but not more than 600 gallons of chlorine-based or  
20 green drycleaning solvents annually, (ii) more than 2,750  
21 gallons but not more than 3,000 gallons annually of  
22 hydrocarbon-based solvents in a drycleaning machine  
23 equipped with a solvent reclaimer, or (iii) more than 5,500  
24 gallons but not more than 6,000 gallons annually of  
25 hydrocarbon-based drycleaning solvents in a drycleaning  
26 machine without a solvent reclaimer.

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

9           (14) \$1,500 for a facility that uses more than 3,250  
10 gallons but not more than 3,500 gallons annually of  
11 hydrocarbon-based solvents in a drycleaning machine  
12 equipped with a solvent reclaimer.

13           (15) \$1,500 for a facility that uses more than 3,500  
14 gallons but not more than 3,750 gallons annually of  
15 hydrocarbon-based solvents used in a drycleaning machine  
16 equipped with a solvent reclaimer.

17           (16) \$1,500 for a facility that uses more than 3,750  
18 gallons but not more than 4,000 gallons annually of  
19 hydrocarbon-based solvents in a drycleaning machine  
20 equipped with a solvent reclaimer.

21           (17) \$1,500 for a facility that uses more than 4,000  
22 gallons annually of hydrocarbon-based solvents in a  
23 drycleaning machine equipped with a solvent reclaimer.

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

26           (1) in the case of an initial applicant, the quantity

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

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

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

11 (c-5) Notwithstanding the other provisions of this  
12 Section, licenses issued by the Council for the year 2014 shall  
13 expire on July 1, 2014, and the fee for those licenses shall be  
14 prorated to reflect the shortened licensing period. Subsequent  
15 renewal of those licenses shall be in accordance with Section  
16 61 of this Act.

17 (d) Except as provided in subsection (c-5), a license  
18 issued under this Section shall expire one year after the date  
19 of issuance and may be renewed on reapplication to the Council  
20 and submission of proof of payment of the appropriate fee to  
21 the Department of Revenue in accordance with subsections (c)  
22 and (e). At least 30 days before payment of a renewal licensing  
23 fee is due, the Council shall attempt to:

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

26 (2) submit a license fee payment form to the licensed

1 operator of each drycleaning facility.

2 (e) An operator of a drycleaning facility shall submit the  
3 appropriate application form provided by the Council with the  
4 license fee in the form of cash, credit card, business check,  
5 or guaranteed remittance to the Department of Revenue. The  
6 Department may accept payment of the license fee under this  
7 Section by credit card only if the Department is not required  
8 to pay a discount fee charged by the credit card issuer. The  
9 license fee payment form and the actual license fee payment  
10 shall be administered by the Department of Revenue under rules  
11 adopted by that Department.

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

21 (g) (Blank).

22 (h) The Council and the Department of Revenue may adopt  
23 rules as necessary to administer the licensing requirements of  
24 this Act.

25 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
26 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.

1 7-13-12; 97-1057, eff. 1-1-13.)

2 (415 ILCS 135/61 new)

3 Sec. 61. Drycleaning facility license.

4 (a) Beginning July 1, 2014, the Illinois Environmental  
5 Protection Agency shall administer and enforce the licensing  
6 provisions of this Act.

7 (b) Beginning July 1, 2014, no person shall operate a  
8 drycleaning facility in this State that uses perchloroethylene  
9 or other chlorine-based drycleaning solvents without a license  
10 issued by the Agency. Beginning July 1, 2014, drycleaning  
11 facilities that do not use perchloroethylene or other  
12 chlorine-based drycleaning solvents are no longer subject to  
13 licensure under this Act.

14 (c) The Agency shall issue an initial or renewal license to  
15 a drycleaning facility on submission by an applicant of a  
16 completed form prescribed by the Agency, proof of payment of  
17 the required fee to the Agency, and, if the drycleaning  
18 facility has previously received or is currently receiving  
19 reimbursement for the costs of a remedial action, as defined in  
20 this Act, proof of compliance with subsection (j) of Section  
21 40.

22 License renewal application forms must include a  
23 certification by the applicant of the quantity of  
24 chlorine-based drycleaning solvents purchased during the  
25 previous calendar year for use in drycleaning operations. This

1 certification shall be made in the form and manner prescribed  
2 by the Agency. The Agency may impose reporting or documentation  
3 requirements on licensees for the purpose of verifying such  
4 purchases and may investigate any circumstances necessary to  
5 verify this certification.

6 License renewal application forms must include a  
7 certification by the applicant that all hazardous waste stored  
8 at the drycleaning facility is stored in accordance with all  
9 applicable federal and state laws and regulations, and that all  
10 hazardous waste transported from the drycleaning facility is  
11 transported in accordance with all applicable federal and state  
12 laws and regulations.

13 License renewal applications must also include copies of  
14 all manifests for hazardous waste transported from the  
15 drycleaning facility during the previous calendar year or since  
16 the last submission of copies of manifests, whichever is  
17 longer. If the Agency does not receive a copy of a manifest for  
18 a drycleaning facility using perchloroethylene or other  
19 chlorine-based drycleaning solvents within a 3-year period, or  
20 within a shorter period as determined by the Agency, the Agency  
21 shall make appropriate inquiry into the management of hazardous  
22 waste at the facility and may share the results of the inquiry  
23 with the Council.

24 (d) Beginning July 1, 2014, the annual fee for licensure  
25 shall be equal to the sum of the following:

26 (1) an amount equal to (i) \$500 for a facility that

1 uses 300 gallons or less of chlorine-based drycleaning  
2 solvents annually, (ii) \$1,000 for a facility that uses  
3 more than 300 gallons but not more than 600 gallons of  
4 chlorine-based drycleaning solvents annually, or (iii)  
5 \$2,000 for a facility that uses more than 600 gallons of  
6 chlorine-based drycleaning solvents annually; plus

7 (2) an amount equal to \$3.50 per gallon of  
8 chlorine-based drycleaning solvents purchased during the  
9 previous calendar year for use in drycleaning operations.

10 The Council shall determine by rule which products are  
11 chlorine-based solvents, which products are petroleum-based  
12 solvents, and which products are green solvents. A drycleaning  
13 solvent shall be presumed to be a chlorine-based drycleaning  
14 solvent unless the Council has determined that the solvent is  
15 either a petroleum-based drycleaning solvent or a green  
16 solvent.

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

20 (e) A license issued under this Section shall expire on  
21 July 1 of the year following the year of issuance and may be  
22 renewed on reapplication to the Agency and payment of the  
23 appropriate fee to the Agency. At least 30 days before payment  
24 of a renewal licensing fee is due, the Agency shall attempt to:

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

1           (2) provide the necessary application forms to the  
2           operator of each licensed drycleaning facility.

3           (415 ILCS 135/65)

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

5           Sec. 65. Drycleaning solvent tax.

6           (a) On and after January 1, 1998 and until July 1, 2014, a  
7 tax is imposed upon the use of drycleaning solvent by a person  
8 engaged in the business of operating a drycleaning facility in  
9 this State at the rate of \$3.50 per gallon of perchloroethylene  
10 or other chlorinated drycleaning solvents used in drycleaning  
11 operations, \$0.35 per gallon of petroleum-based drycleaning  
12 solvent, and \$1.75 per gallon of green solvents, unless the  
13 green solvent is used at a virgin facility, in which case the  
14 rate is \$0.35 per gallon. The Council shall determine by rule  
15 which products are chlorine-based solvents, which products are  
16 petroleum-based solvents, and which products are green  
17 solvents. All drycleaning solvents shall be considered  
18 chlorinated solvents unless the Council determines that the  
19 solvents are petroleum-based drycleaning solvents or green  
20 solvents.

21           On July 1, 2014, the tax imposed by this Section is  
22           abolished.

23           (b) The tax imposed by this Act shall be collected from the  
24 purchaser at the time of sale by a seller of drycleaning  
25 solvents maintaining a place of business in this State and

1 shall be remitted to the Department of Revenue under the  
2 provisions of this Act.

3 (c) The tax imposed by this Act that is not collected by a  
4 seller of drycleaning solvents shall be paid directly to the  
5 Department of Revenue by the purchaser or end user who is  
6 subject to the tax imposed by this Act.

7 (d) No tax shall be imposed upon the use of drycleaning  
8 solvent if the drycleaning solvent will not be used in a  
9 drycleaning facility or if a floor stock tax has been imposed  
10 and paid on the drycleaning solvent. Prior to the purchase of  
11 the solvent, the purchaser shall provide a written and signed  
12 certificate to the drycleaning solvent seller stating:

13 (1) the name and address of the purchaser;

14 (2) the purchaser's signature and date of signing; and

15 (3) one of the following:

16 (A) that the drycleaning solvent will not be used  
17 in a drycleaning facility; or

18 (B) that a floor stock tax has been imposed and  
19 paid on the drycleaning solvent.

20 (e) On January 1, 1998, there is imposed on each operator  
21 of a drycleaning facility a tax on drycleaning solvent held by  
22 the operator on that date for use in a drycleaning facility.  
23 The tax imposed shall be the tax that would have been imposed  
24 under subsection (a) if the drycleaning solvent held by the  
25 operator on that date had been purchased by the operator during  
26 the first year of this Act.

1           (f) On or before the 25th day of the 1st month following  
2 the end of the calendar quarter, a seller of drycleaning  
3 solvents who has collected a tax pursuant to this Section  
4 during the previous calendar quarter, or a purchaser or end  
5 user of drycleaning solvents required under subsection (c) to  
6 submit the tax directly to the Department, shall file a return  
7 with the Department of Revenue. The return shall be filed on a  
8 form prescribed by the Department of Revenue and shall contain  
9 information that the Department of Revenue reasonably  
10 requires, but at a minimum will require the reporting of the  
11 volume of drycleaning solvent sold to each licensed drycleaner.  
12 The Department of Revenue shall report quarterly to the Council  
13 the volume of drycleaning solvent purchased for the quarter by  
14 each licensed drycleaner. Each seller of drycleaning solvent  
15 maintaining a place of business in this State who is required  
16 or authorized to collect the tax imposed by this Act shall pay  
17 to the Department the amount of the tax at the time when he or  
18 she is required to file his or her return for the period during  
19 which the tax was collected. Purchasers or end users remitting  
20 the tax directly to the Department under subsection (c) shall  
21 file a return with the Department of Revenue and pay the tax so  
22 incurred by the purchaser or end user during the preceding  
23 calendar quarter.

24           Except as otherwise provided in this Section, the seller of  
25 drycleaning solvents filing the return under this Section  
26 shall, at the time of filing the return, pay to the Department

1 the amount of tax imposed by this Act less a discount of 1.75%,  
2 or \$5 per calendar year, whichever is greater. Failure to  
3 timely file the returns and provide to the Department the data  
4 requested under this Act will result in disallowance of the  
5 reimbursement discount.

6 (g) The tax on drycleaning solvents used in drycleaning  
7 facilities and the floor stock tax shall be administered by  
8 Department of Revenue under rules adopted by that Department.

9 (h) On and after January 1, 1998 and until July 1, 2014, no  
10 person shall knowingly sell or transfer drycleaning solvent to  
11 an operator of a drycleaning facility that is not licensed by  
12 the Council under Section 60.

13 (i) The Department of Revenue may adopt rules as necessary  
14 to implement this Section.

15 (Source: P.A. 96-774, eff. 1-1-10.)

16 (415 ILCS 135/67)

17 Sec. 67. Certification of registration. On and after  
18 January 1, 1998 and until July 1, 2014, no person shall engage  
19 in the business of selling drycleaning solvents in this State  
20 without a certificate of registration issued by the Department  
21 of Revenue. Until July 1, 2014, a ~~A~~ person, officer or director  
22 of a corporation, partner or member of a partnership, or  
23 manager or member of a limited liability company who engages in  
24 the business of selling drycleaning solvents in this State  
25 without a certificate of registration issued by the Department

1 of Revenue is guilty of a Class A misdemeanor. Until July 1,  
2 2014, a A person, manager or member of a limited liability  
3 company, officer or director of a corporation, or partner or  
4 member of a partnership who engages in the business of selling  
5 drycleaning solvents in this State after the certificate of  
6 registration has been revoked is guilty of a Class A  
7 misdemeanor. Each day that the person, officer or director of  
8 the corporation, manager or member of the limited liability  
9 company, or partner or member of the partnership is engaged in  
10 business without a certificate of registration, or after the  
11 certification of registration has been revoked, constitutes a  
12 separate offense.

13 A purchaser who obtains a registration number or resale  
14 number from the Department of Revenue through  
15 misrepresentation, who represents to a seller that the  
16 purchaser has a registration number or a resale number from the  
17 Department of Revenue when he or she knows that he or she does  
18 not have the number, or who knowingly uses his or her  
19 registration number or resale number to make a seller believe  
20 that he or she is buying drycleaning solvents for resale when  
21 the purchaser in fact knows that is not the purpose of the  
22 purchase, is guilty of a Class 4 felony.

23 (Source: P.A. 90-502, eff. 8-19-97.)

24 (415 ILCS 135/69)

25 Sec. 69. Civil penalties.

1 (a) Except as provided in this Section, any person who  
2 violates any provision of this Act or any rule or regulation  
3 adopted by the Council or the Agency under this Act, or any  
4 license or registration or term or condition thereof, or that  
5 violates any order of the Council under this Act, shall be  
6 liable for a civil penalty as provided in this Section. The  
7 penalties may, upon order of the Council or a court of  
8 competent jurisdiction, be made payable to the Drycleaner  
9 Environmental Response Trust Fund, to be used in accordance  
10 with the provisions of the Drycleaner Environmental Response  
11 Trust Fund Act.

12 (b) Notwithstanding the provisions of subsection (a) of  
13 this Section:

14 (1) ~~Any person who violates subsection (a) of Section~~  
15 ~~60 of this Act by failing to pay the license fee when due~~  
16 ~~may be assessed a civil penalty of \$5 per day for each day~~  
17 ~~after the license fee is due until the license fee is paid.~~  
18 ~~The penalty shall be effective for license fees due on or~~  
19 ~~after July 1, 1999 and before June 30, 2011.~~ For license  
20 fees due on or after July 1, 2011, any person who violates  
21 ~~subsection (a) of Section 60~~ or 61 of this Act by failing  
22 to pay the license fee when due may be assessed a civil  
23 penalty, beginning on the 31st day after the license fee is  
24 due, in the following amounts: (i) beginning on the 31st  
25 day after the license fee is due and until the 60th day  
26 after the license fee is due, \$3 for each day during which

1 the license fee is not paid and (ii) beginning on the 61st  
2 day after the license fee is due and until the license fee  
3 is paid, \$5 for each day during which the license fee is  
4 not paid. Beginning July 1, 2014, civil penalties for  
5 failure to obtain a license required under Section 61, to  
6 pay a license fee required under that Section, or to comply  
7 with any rule of the Agency adopted under this Act may be  
8 imposed by the Agency rather than the Council, and in such  
9 cases references in this Section to the Council shall be  
10 deemed to mean the Agency.

11 (2) Any person who violates subsection (d) or (h) of  
12 Section 65 of this Act shall be liable for a civil penalty  
13 not to exceed \$500 for the first violation and a civil  
14 penalty not to exceed \$5,000 for a second or subsequent  
15 violation.

16 (3) Any person who violates Section 67 of this Act  
17 shall be liable for a civil penalty not to exceed \$100 per  
18 day for each day the person is not registered to sell  
19 drycleaning solvents.

20 (c) The Council shall issue an administrative assessment  
21 setting forth any penalties it imposes under subsection (b) of  
22 this Section and shall serve notice of the assessment upon the  
23 party assessed. The Council's determination shall be deemed  
24 correct and shall serve as evidence of the correctness of the  
25 Council's determination that a penalty is due. Proof of a  
26 determination by the Council may be made at any administrative

1 hearing or in any legal proceeding by a reproduced copy or  
2 computer print-out of the Council's record relating thereto in  
3 the name of the Council under the certificate of the Council.

4 If reproduced copies of the Council's records are offered  
5 as proof of a penalty assessment, the Council must certify that  
6 those copies are true and exact copies of records on file with  
7 the Council. If computer print-outs of the Council's records  
8 are offered as proof of a determination, the Council Chairman  
9 must certify that those computer print-outs are true and exact  
10 representations of records properly entered into standard  
11 electronic computing equipment, in the regular course of the  
12 Council's business, at or reasonably near the time of the  
13 occurrence of the facts recorded, from trustworthy and reliable  
14 information. A certified reproduced copy or certified computer  
15 print-out shall, without further proof, be admitted into  
16 evidence in any administrative or legal proceeding and is prima  
17 facie proof of the correctness of the Council's determination.

18 Whenever notice is required by this Section, the notice may  
19 be given by United States registered or certified mail,  
20 addressed to the person concerned at his last known address,  
21 and proof of mailing shall be sufficient for the purposes of  
22 this Act. Notice of any hearing provided for by this Act shall  
23 be given not less than 7 days before the day fixed for the  
24 hearing. Following the initial contact of a person represented  
25 by an attorney, the Council shall not contact that person but  
26 shall only contact the attorney representing that person.

1           (d) The penalties provided for in this Section may be  
2 recovered in a civil action instituted by the Attorney General  
3 in the name of the people of the State of Illinois.

4           (e) The Attorney General may also, at the request of the  
5 Council or on his or her own motion, institute a civil action  
6 for an injunction, prohibitory or mandatory, to restrain  
7 violations of this Act, any rule or regulation adopted under  
8 this Act, any license or registration or term or condition of a  
9 license or registration, or any Council order, or to require  
10 other actions as may be necessary to address violations  
11 thereof.

12           (f) Without limiting any other authority which may exist  
13 for the awarding of attorney's fees and costs, the Council, or  
14 a court of competent jurisdiction, may award costs and  
15 reasonable attorney's fees, including the reasonable costs of  
16 expert witnesses and consultants, to the Attorney General in a  
17 case where the Attorney General has prevailed against a person  
18 who has committed a willful, knowing, or repeated violation of  
19 this Act, any rule or regulation adopted under this Act, any  
20 license or registration or term or condition of a license or  
21 registration, or any Council order. Any funds collected under  
22 this subsection (f) in which the Attorney General has prevailed  
23 shall be deposited in the Drycleaner Environmental Response  
24 Trust Fund created in Section 10 of this Act.

25           (g) All final orders imposing civil penalties under this  
26 Section shall prescribe the time for payment of the penalties.

1 If any penalty is not paid within the time prescribed, interest  
2 on the penalty shall be paid, at the rate set forth in Section  
3 3-2 of the Illinois Uniform Penalty and Interest Act, for the  
4 period from the date payment is due until the date payment is  
5 received. However, if the time for payment is stayed during the  
6 pendency of an appeal, interest shall not accrue during the  
7 stay.

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

9 (415 ILCS 135/70)

10 Sec. 70. Deposit of fees and taxes.

11 (a) All license fees and taxes collected by the Department  
12 of Revenue under this Act shall be deposited into the Fund,  
13 less 4% of the moneys collected which shall be deposited by the  
14 State Treasurer into the Tax Compliance and Administration Fund  
15 and shall be used, subject to appropriation, by the Department  
16 of Revenue to cover the costs of the Department in collecting  
17 the license fees and taxes under this Act, and less an amount  
18 sufficient to provide refunds under this Act.

19 (b) All license fees collected by the Agency under this Act  
20 shall be deposited into the Fund, less 4% of the moneys  
21 collected which shall be deposited by the State Treasurer into  
22 the Environmental Protection Permit and Inspection Fund and  
23 shall be used, subject to appropriation, by the Agency to cover  
24 the costs of the Agency in collecting the license fees and  
25 administering licensure under this Act.

1 (Source: P.A. 90-502, eff. 8-19-97.)

2 (415 ILCS 135/75)

3 Sec. 75. Adjustment of fees and taxes. Beginning January 1,  
4 2000, and annually after that date, the Council shall adjust  
5 the copayment obligation of subsection (e) of Section 40, the  
6 drycleaning solvent taxes of Section 65, the license fees of  
7 Section 60 or 61, or any combination of adjustment of each,  
8 after notice and opportunity for public comment, in a manner  
9 determined necessary and appropriate to ensure viability of the  
10 Fund and to encourage the owner or operator of a drycleaning  
11 facility to use green solvents. Viability of the Fund shall  
12 consider the settlement of all current claims subject to  
13 prioritization of benefits under subsection (c) of Section 25,  
14 consistent with the purposes of this Act.

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."