

1 AN ACT concerning environmental safety.

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

4 Section 5. The Drycleaner Environmental Response Trust
5 Fund Act is amended by changing Sections 5, 10, 40, 60, 65,
6 75, 80, and 85 and by adding Sections 16, 21, 22, 23, and 61
7 as follows:

8 (415 ILCS 135/5)

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

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

13 "Advisory Committee" means the Drycleaner Environmental
14 Response Trust Fund Advisory Committee.

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

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

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

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

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

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

30 (2) industrial laundry, commercial laundry, or
31 linen supply facility;

1 (3) prison or other penal institution that engages
2 in drycleaning only as part of a Correctional Industries
3 program to provide drycleaning to persons who are
4 incarcerated in a prison or penal institution or to
5 resident patients of a State-operated mental health
6 facility;

7 (4) not-for-profit hospital or other health care
8 facility; or a

9 (5) facility located or formerly located on federal
10 or State property.

11 {g} "Drycleaning operations" means drycleaning of
12 apparel and household fabrics for the general public, as
13 described in Standard Industrial Classification Industry No.
14 7215 and No. 7216 in the Standard Industrial Classification
15 Manual (SIC) by the Technical Committee on Industrial
16 Classification.

17 {h} "Drycleaning solvent" means a chlorine-based or
18 hydrocarbon-based formulation or product that is used as a
19 primary cleaning agent in drycleaning operations.

20 {i} "Emergency" or "emergency action" means a situation
21 or an immediate response to a situation to protect public
22 health or safety. "Emergency" or "emergency action" does not
23 mean removal of contaminated soils, recovery of free
24 product, or financial hardship. An "emergency" or "emergency
25 action" would normally be expected to be directly related to
26 a sudden event or discovery and would last until the threat
27 to public health is mitigated.

28 {j} "Groundwater" means underground water that occurs
29 within the saturated zone and geologic materials where the
30 fluid pressure in the pore space is equal to or greater than
31 the atmospheric pressure.

32 {k} "Inactive drycleaning facility" means a drycleaning
33 facility that is not being used for drycleaning operations
34 and is not registered under this Act.

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

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

16 (n) "Operator" means a person or entity holding a
17 business license to operate a licensed drycleaning facility
18 or the business operation of which the drycleaning facility
19 is a part.

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

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

30 (q) "Person" means an individual, trust, firm, joint
31 stock company, corporation, consortium, joint venture, or
32 other commercial entity.

33 (r) "Program year" means the period beginning on July 1
34 and 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
6 with Sections 58.6 and 58.7 of the Environmental Protection
7 Act and rules adopted by the Pollution Control Board under
8 those Sections.

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

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

20 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

21 (415 ILCS 135/10)

22 Sec. 10. Drycleaner Environmental Response Trust Fund.

23 (a) The Drycleaner Environmental Response Trust Fund is
24 created as a special fund in the State Treasury. Moneys
25 deposited into the Fund shall be used by the Agency for the
26 investigation and cleanup of drycleaning facilities as
27 provided in this Act and to settle any debts associated with
28 transferring administration of the program to the Agency
29 ~~solely for the purposes of the Council and for other purposes~~
30 ~~as provided in this Act.~~ The Fund shall include moneys
31 credited to the Fund under this Act and other moneys that by
32 law may be credited to the Fund. The State Treasurer may
33 invest Funds deposited into the Fund at the direction of the

1 Agency Council. Interest, income from the investments, and
2 other income earned by the Fund shall be credited to and
3 deposited into the Fund.

4 Pursuant to appropriation, all moneys in the Drycleaner
5 Environmental Response Trust Fund shall be disbursed by the
6 Agency to the Council for the purpose of making
7 disbursements, if any, in accordance with this Act and for
8 the purpose of paying the ordinary and contingent expenses of
9 the Council. After June 30, 1999, Pursuant to appropriation,
10 all moneys in the Drycleaner Environmental Response Trust
11 Fund may be used by the Agency for the enforcement of this
12 Act Council for the purpose of making disbursements, if any,
13 in accordance with this Act and for the purpose of paying the
14 ordinary and contingent expenses of the Council.

15 The Fund may be divided into different accounts with
16 different depositories to fulfill the purposes of the Act as
17 determined by the Agency Council.

18 Moneys in the Fund at the end of a State fiscal year
19 shall be carried forward to the next fiscal year and shall
20 not revert to the General Revenue Fund.

21 (b) The specific purposes of the Fund include but are
22 not limited to the following:

23 (1) To establish an account to fund remedial action
24 of drycleaning solvent releases from drycleaning
25 facilities as provided by Section 40.

26 (2) (Blank) To establish an insurance account for
27 insuring environmental risks from releases from
28 drycleaning facilities within this State as provided by
29 Section 45.

30 (c) The State, the General Revenue Fund, and any other
31 Fund of the State, other than the Drycleaner Environmental
32 Response Trust Fund, shall not be liable for a claim or cause
33 of action in connection with a drycleaning facility not owned
34 or operated by the State or an agency of the State. All

1 expenses incurred by the Fund shall be payable solely from
2 the Fund and no liability or obligation shall be imposed upon
3 the State. The State is not liable for a claim presented
4 against the Fund.

5 (d) The liability of the Fund is limited to the extent
6 of coverage provided by the account under which a claim is
7 submitted, subject to the terms and conditions of that
8 coverage. The liability of the Fund is further limited by
9 the moneys made available to the Fund, and no remedy shall be
10 ordered that would require the Fund to exceed its then
11 current funding limitations to satisfy an award or which
12 would restrict the availability of moneys for higher priority
13 sites.

14 (e) Nothing in this Act shall be construed to limit,
15 restrict, or affect the authority and powers of the Agency or
16 another State agency or statute unless the State agency or
17 statute is specifically referenced and the limitation is
18 clearly set forth in this Act.

19 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

20 (415 ILCS 135/16 new)

21 Sec. 16. Creation of Advisory Committee.

22 (a) The Drycleaner Environmental Response Trust Fund
23 Advisory Committee is established and shall consist of 7
24 members who own or operate a drycleaning facility, to be
25 appointed by the Governor. The membership of the Advisory
26 Committee should reasonably reflect representation from the
27 geographic areas of the State.

28 Each member shall have experience, knowledge, and
29 expertise relating to the subject matter of this Act.

30 Of the 7 initial members, 2 shall be appointed for a term
31 of 1 year, 2 shall be appointed for a term of 2 years, and 3
32 shall be appointed for a term of 3 years. Subsequent members
33 shall serve for a term of 3 years.

1 (b) The Governor may remove any member of the Advisory
2 Committee for incompetency, neglect of duty, or malfeasance
3 in office after service on him or her of a copy of the
4 written charges against him or her and after an opportunity
5 to be publicly heard in person or by counsel in his or her
6 own defense no earlier than 10 days after the Governor has
7 provided notice of the opportunity to the Advisory Committee
8 member. Evidence of incompetency, neglect of duty, or
9 malfeasance in office may be provided to the Governor by the
10 Agency or the Auditor General following the annual audit
11 described in Section 80.

12 (c) Members of the Advisory Committee are entitled to
13 receive reimbursement of actual expenses incurred in the
14 discharge of their duties within the limit of funds
15 appropriated to the Advisory Committee. The Governor shall
16 appoint a chairperson of the Advisory Committee from among
17 its members.

18 (d) The Attorney General's Office or its designee shall
19 provide legal counsel to the Advisory Committee.

20 (415 ILCS 135/21 new)

21 Sec. 21. Agency rules. The Agency may adopt any rules
22 necessary for the implementation of this Act.

23 (415 ILCS 135/22 new)

24 Sec. 22. Powers and duties of the Advisory Committee.
25 The Advisory Committee shall have all of the general powers
26 reasonably necessary and convenient to carry out its purposes
27 and may perform the following functions, subject to any
28 express limitations contained in this Act:

29 (1) Advise the Agency on matters relating to
30 regulations and standards that affect Illinois
31 drycleaners.

32 (2) Review the status of the Fund and its

1 administration and provide a report with recommendations
2 to the Governor's Office and the Agency.

3 (3) Approve any changes to the solvent tax, the
4 environmental surcharge fee, and the license fee.

5 (4) Hold meetings as needed to communicate with
6 drycleaners and the public regarding progress, the status
7 of the Fund, and any need for change.

8 (415 ILCS 135/23 new)

9 Sec. 23. Powers and duties of the Agency. The Agency
10 shall have all of the general powers reasonably necessary and
11 convenient to carry out its purposes and may perform the
12 following functions, subject to any express limitations
13 contained in this Act:

14 (1) Utilize the Fund money to administer the
15 program, pay for consultants and contractors, and cover
16 the review fees of the Site Remediation Program.

17 (2) Award contracts with consultants for the fast
18 site evaluation of all drycleaners.

19 (3) Set priorities for performing complete site
20 characterization studies, based mostly on field screening
21 conclusions and availability of money in the Fund.

22 (4) Work all active sites through its Site
23 Remediation Program.

24 (5) Develop remedial action plans for the most
25 contaminated sites first and issue a moratorium on any
26 enforcement actions for lower priority sites and provide
27 liability protection for the drycleaner.

28 (6) Contract directly with consultants and manage
29 site investigations.

30 (7) Advise drycleaners and property owners of plans
31 and results of investigations and obtain concurrence on
32 site cleanup activities.

33 (8) Manage the Fund in conjunction with the

1 Department of Revenue.

2 (415 ILCS 135/40)

3 Sec. 40. Remedial action account.

4 (a) The remedial action account is established to
5 provide the Agency with the necessary funding to investigate,
6 plan, and remediate contamination from drycleaning solvent
7 reimbursement--to--eligible-claimants-for-drycleaning-solvent
8 investigation, remedial-action-planning, and remedial--action
9 activities--for--existing--drycleaning--solvent-contamination
10 discovered-at-their-drycleaning-facilities.

11 (b) The Agency shall determine by rule which drycleaning
12 facilities are subject to investigation and entitled to
13 cleanup by the Agency. ~~The following persons are eligible for~~
14 ~~reimbursement from the remedial action account:~~

15 (1) ~~In the case of claimant who is the owner or~~
16 ~~operator of an active drycleaning facility licensed by~~
17 ~~the Council under this Act at the time of application for~~
18 ~~remedial action benefits afforded under the Fund, the~~
19 ~~claimant is only eligible for reimbursement of remedial~~
20 ~~action costs incurred in connection with a release from~~
21 ~~that drycleaning facility, subject to any other~~
22 ~~limitations under this Act.~~

23 (2) ~~In the case of a claimant who is the owner of~~
24 ~~an inactive drycleaning facility and was the owner or~~
25 ~~operator of the drycleaning facility when it was an~~
26 ~~active drycleaning facility, the claimant is only~~
27 ~~eligible for reimbursement of remedial action costs~~
28 ~~incurred in connection with a release from the~~
29 ~~drycleaning facility, subject to any other limitations~~
30 ~~under this Act.~~

31 (c) A drycleaning facility shall be eligible for
32 participation in the program if all of the following
33 conditions are met:

1 (1) payment of all fees;

2 (2) possession of the necessary license;

3 (3) full compliance with all Environmental Protection
4 Agency environmental regulations; and

5 (4) implementation of all pollution prevention measures.

6 An--eligible--claimant--requesting--reimbursement--from--the
7 remedial-action--account--shall--meet--all--of--the--following:

8 (1)--The--claimant--demonstrates--that--the--source--of
9 the--release--is--from--the--claimant's--drycleaning--facility.

10 (2)--At--the--time--the--release--was--discovered--by--the
11 claimant,--the--claimant--and--the--drycleaning--facility--were
12 in--compliance--with--the--Agency--reporting--and--technical
13 operating--requirements.

14 (3)--The--claimant--reported--the--release--in--a--timely
15 manner--to--the--Agency--in--accordance--with--State--law.

16 (4)--The--claimant--applying--for--reimbursement--has--not
17 filed--for--bankruptcy--on--or--after--the--date--of--his--or--her
18 discovery--of--the--release.

19 (5)--If--the--claimant--is--the--owner--or--operator--of--an
20 active--drycleaning--facility,--the--claimant--has--provided--to
21 the--Council--proof--of--implementation--and--maintenance--of
22 the--following--pollution--prevention--measures:

23 (A)--That--all--drycleaning--solvent--wastes
24 generated--at--a--drycleaning--facility--be--managed--in
25 accordance--with--applicable--State--waste--management
26 laws--and--rules.

27 (B)--A--prohibition--on--the--discharge--of
28 wastewater--from--drycleaning--machines--or--of
29 drycleaning--solvent--from--drycleaning--operations--to--a
30 sanitary--sewer--or--septic--tank--or--to--the--surface--or
31 in--groundwater.

32 (C)--That--every--drycleaning--facility:

33 (I)--install--a--containment--dike--or--other
34 containment--structure--around--each--machine--or

1 item--of--equipment--or--the--entire--drycleaning
 2 area--in--which--any--drycleaning--solvent---is
 3 utilized,--which--shall--be--capable--of--containing
 4 any--leak,--spill,--or--release--of--drycleaning
 5 solvent--from--that--machine,--item,--or--area;--and

6 (II)--seal--or--otherwise--render--impervious
 7 these--portions--of--diked--floor--surfaces--on--which
 8 a--drycleaning--solvent--may--leak,--spill,--or
 9 otherwise--be--released.

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

13 (6)--An--active--drycleaning--facility--has--maintained
 14 continuous---financial---assurance---for---environmental
 15 liability--coverage--in--the--amount--of--at--least--\$500,000--at
 16 least--since--the--date--of--award--of--benefits--under--this
 17 Section--or--July--1,--2000,--whichever--is--earlier.

18 (7)--The--release--was--discovered--on--or--after--July--1,
 19 1997--and--before--July--1,--2004.

20 (d) Applications for participation in the program shall
 21 be made in a manner and on forms as provided by the Agency. A
 22 claimant--shall--submit--a--completed--application--form--provided
 23 by--the--Council.--The--application--shall--contain--documentation
 24 of--activities,--plans,--and--expenditures--associated--with--the
 25 eligible--costs--incurred--in--response--to--a--release---of
 26 drycleaning--solvent--from--a--drycleaning--facility.--Application
 27 for--remedial--action--account--benefits--must--be--submitted--to--the
 28 Council--on--or--before--June--30,--2004.

29 (e) (Blank). Claimants--shall--be--subject--to--the--following
 30 deductible--requirements,--unless--modified--pursuant--to--the
 31 Council's--authority--under--Section--75:

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

14 (f) The Agency may fund 90% of all cleanup costs for
 15 drycleaning facilities determined to be eligible for
 16 participation in the program. The Agency shall provide the
 17 owner or operator of the drycleaning facility participating
 18 in the program with an invoice detailing costs and outlining
 19 the 10% of the costs that is the responsibility of the
 20 drycleaner. The Agency shall pay its share of cleanup costs
 21 under this Section from any appropriations to it out of the
 22 General Revenue Fund for that purpose. If the General
 23 Revenue Fund appropriation is insufficient, then the costs
 24 shall be paid, subject to appropriation, from the Drycleaner
 25 Environmental Response Trust Fund. The Agency may use no
 26 more than \$800,000 per year from the General Revenue Fund to
 27 pay costs of investigations and cleanups. Claimants--are
 28 subject-to-the-following-limitations-on-reimbursement:

29 (1)--Subsequent----to----meeting----the---deductible
 30 requirements-of--subsection--(e),--and--pursuant--to--the
 31 requirements--of--Section--75,--reimbursement--shall--not
 32 exceed:

33 (A)--\$160,000--per--active-drycleaning-facility
 34 for-which-an-eligible-claim-is-submitted-during--the

1 program-year-beginning-July-1,1999;

2 (B)--\$150,000--per--active-drycleaning-facility
3 for-which-an-eligible-claim-is-submitted-during--the
4 program-year-beginning-July-1,2000;

5 (C)--\$140,000--per--active-drycleaning-facility
6 for-which-an-eligible-claim-is-submitted-during--the
7 program-year-beginning-July-1,2001;

8 (D)--\$130,000--per--active-drycleaning-facility
9 for-which-an-eligible-claim-is-submitted-during--the
10 program-year-beginning-July-1,2002;

11 (E)--\$120,000--per--active-drycleaning-facility
12 for-which-an-eligible--claim-is-submitted-during-the
13 program-year-beginning-July-1,2003;-or

14 (F)--\$50,000-per-inactive-drycleaning-facility.

15 (2)--A-contract-in-which-one-of-the-parties--to--the
16 contract-is-a-claimant,7-for-goods-or-services-that-may-be
17 payable--or--reimbursable--from--the-Council,7-is-void-and
18 unenforceable-unless-and-until-the-Council-has-found-that
19 the-contract-terms-are-within--the--range--of--usual--and
20 customary--rates--for--similar--or--equivalent--goods--or
21 services--within--this-State-and-has-found-that-the-goods
22 or-services-are-necessary-for-the-claimant-to-comply-with
23 Council--standards---or---other---applicable---regulatory
24 standards.

25 (3)--A--claimant-may-appoint-the-Council-as-an-agent
26 for-the-purposes-of-negotiating-contracts-with--suppliers
27 of--goods--or--services--reimbursable--by--the-Fund.--The
28 Council--may--select--another--contractor--for--goods--or
29 services-other-than-the-one-offered-by--the--claimant--if
30 the--scope--of--the--proposed--work-or-actual-work-of-the
31 claimant's--offered--contractor--does--not--reflect---the
32 quality--of--workmanship--required--or--if--the-costs-are
33 determined-to-be-excessive,7-as-determined-by-the-Council.

34 (4)--The-Council-may-require-a--claimant--to--obtain

1 and--submit--3--bids--and--may--require--specific--terms--and
2 conditions--in--a--contract--subject--to--approval.

3 (5)--The--Council--may--enter--into--a--contract--or--an
4 exclusive--contract--with--the--supplier--of--goods--or--services
5 required--by--a--claimant--or--class--of--claimants,--in
6 connection--with--an--expense--reimbursable--from--the--Fund,
7 for--a--specified--good--or--service--at--a--gross--maximum--price
8 or--fixed--rate,--and--may--limit--reimbursement--accordingly.

9 (6)--Unless--emergency--conditions--exist,--a--service
10 provider--shall--obtain--the--Council's--approval--of--the
11 budget--for--the--remediation--work--before--commencing--the
12 work.---No--expense--incurred--that--is--above--the--budgeted
13 amount--shall--be--paid--unless--the--Council--approves---the
14 expense--prior--to--its--being--incurred.---All--invoices--and
15 bills--relating--to--the--remediation--work--shall--be--submitted
16 with--appropriate--documentation,--as--deemed--necessary--by
17 the--Council,--not--later--than--30--days--after--the--work--has
18 been--performed.

19 (7)--Neither--the--Council--nor--an--eligible--claimant--is
20 responsible--for--payment--for--costs--incurred--that--have--not
21 been--previously--approved--by--the--Council,--unless--an
22 emergency--exists.

23 (8)--The--Council--may--determine--the--usual--and
24 customary--costs--of--each--item--for--which--reimbursement--may
25 be--awarded--under--this--Section.---The--Council--may--revise--the
26 usual--and--customary--costs--from--time--to--time--as--necessary,
27 but--costs--submitted--for--reimbursement--shall--be--subject--to
28 the--rates--in--effect--at--the--time--the--costs--were--incurred.

29 (9)--If--a--claimant--has--pollution--liability--insurance
30 coverage--other--than--coverage--provided--by--the--insurance
31 account--under--this--Act,--that--coverage--shall--be--primary.
32 Reimbursement--from--the--remedial--account--shall--be--limited
33 to--the--deductible--amounts--under--the--primary--coverage--and
34 the--amount--that--exceeds--the--policy--limits--of--the--primary

1 coverage, subject to the deductible amounts of this Act.
 2 If there is a dispute between the claimant and the
 3 primary insurance provider, reimbursement from the
 4 remedial action account may be made to the claimant after
 5 the claimant assigns all of his or her interests in the
 6 insurance coverage to the Council.

7 (g) (Blank). The source of funds for the remedial
 8 action account shall be moneys allocated to the account by
 9 the Council according to the Fund budget approved by the
 10 Council.

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

15 (i) The Agency Eligible claimants shall conduct remedial
 16 action in accordance with the Site Remediation Program under
 17 the Environmental Protection Act and Part 740 of Title 35 of
 18 the Illinois Administrative Code and the Tiered Approach to
 19 Cleanup Objectives under Part 742 of Title 35 of the Illinois
 20 Administrative Code.

21 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

22 (415 ILCS 135/60)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 60. Drycleaning facility license.

25 (a) On and after January 1, 1998, no person shall
 26 operate a drycleaning facility in this State without a
 27 license issued by the Agency Council.

28 (b) The Agency Council shall issue an initial or renewal
 29 license to a drycleaning facility on submission by an
 30 applicant of a completed form prescribed by the Agency
 31 Council and proof of payment of the required fee to the
 32 Department of Revenue.

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

1 (1) \$500 for a facility that purchases 140 gallons
2 or less of chlorine-based drycleaning solvents annually
3 or 1400 gallons or less of hydrocarbon-based drycleaning
4 solvents annually.

5 (2) \$1,000 for a facility that purchases more than
6 140 gallons but less than 360 gallons of chlorine-based
7 drycleaning solvents annually or more than 1400 gallons
8 but less than 3600 gallons of hydrocarbon-based
9 drycleaning solvents annually.

10 (3) \$1,500 for a facility that purchases 360
11 gallons or more of chlorine-based drycleaning solvents
12 annually or 3600 gallons or more of hydrocarbon-based
13 drycleaning solvents annually.

14 For purpose of this subsection, the quantity of
15 drycleaning solvents purchased annually shall be determined
16 as follows:

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

22 (2) in the case of a renewal applicant, the
23 quantity of drycleaning solvents actually used in the
24 preceding license year.

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

29 (d) A license issued under this Section shall expire one
30 year after the date of issuance and may be renewed on
31 reapplication to the Agency Council and submission of proof
32 of payment of the appropriate fee to the Department of
33 Revenue in accordance with subsections (c) and (e). At least
34 30 days before payment of a renewal licensing fee is due, the

1 Agency Council shall attempt to:

2 (1) notify the operator of each licensed
3 drycleaning facility concerning the requirements of this
4 Section; and

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

7 (e) An operator of a drycleaning facility shall submit
8 the appropriate application form provided by the Agency
9 Council with the license fee in the form of cash, business
10 check, or guaranteed remittance to the Department of Revenue.
11 The license fee payment form and the actual license fee
12 payment shall be administered by the Department of Revenue
13 under rules adopted by that Department.

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

22 (g) An operator of a dry cleaning facility who is
23 required to pay a license fee under this Act and fails to pay
24 the license fee when the fee is due shall be assessed a
25 penalty of \$5 for each day after the license fee is due and
26 until the license fee is paid. The penalty shall be effective
27 for license fees due on or after July 1, 1999.

28 (h) The Agency Council and the Department of Revenue may
29 adopt rules as necessary to administer the licensing
30 requirements of this Act.

31 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

32 (415 ILCS 135/61 new)

33 Sec. 61. Environmental surcharge. Beginning on January

1 1, 2002, the Agency may assess a surcharge based upon 2% of
2 the gross sales at each drycleaning establishment, including
3 drop stores. The surcharge shall be remitted to the
4 Department of Revenue annually in a manner determined by rule
5 of the Department and deposited into the Drycleaner
6 Environmental Response Trust Fund for use by the Agency in
7 the investigation and cleanup of drycleaning facilities
8 pursuant to this Act. This surcharge must be added to the
9 cost of each customer's drycleaning and specifically shown on
10 the customer receipt as an environmental surcharge.

11 (415 ILCS 135/65)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 65. Drycleaning solvent tax.

14 (a) On and after January 1, 1998, a tax is imposed upon
15 the use of drycleaning solvent by a person engaged in the
16 business of operating a drycleaning facility in this State at
17 the rate of \$3.50 per gallon of perchloroethylene or other
18 chlorinated drycleaning solvents used in drycleaning
19 operations and \$0.35 per gallon of petroleum-based
20 drycleaning solvent. The Agency Council shall determine by
21 rule which products are chlorine-based solvents and which
22 products are petroleum-based solvents. All drycleaning
23 solvents shall be considered chlorinated solvents unless the
24 Agency Council determines that the solvents are
25 petroleum-based drycleaning solvents subject to the lower
26 tax.

27 (b) The tax imposed by this Act shall be collected from
28 the purchaser at the time of sale by a seller of drycleaning
29 solvents maintaining a place of business in this State and
30 shall be remitted to the Department of Revenue under the
31 provisions of this Act.

32 (c) The tax imposed by this Act that is not collected by
33 a seller of drycleaning solvents shall be paid directly to

1 the Department of Revenue by the purchaser or end user who is
2 subject to the tax imposed by this Act.

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

- 9 (1) the name and address of the purchaser;
- 10 (2) the purchaser's signature and date of signing;

11 and

- 12 (3) one of the following:
 - 13 (A) that the drycleaning solvent will not be
 - 14 used in a drycleaning facility; or
 - 15 (B) that a floor stock tax has been imposed
 - 16 and paid on the drycleaning solvent.

17 A person who provides a false certification under this
18 subsection shall be liable for a civil penalty not to exceed
19 \$500 for a first violation and a civil penalty not to exceed
20 \$5,000 for a second or subsequent violation.

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

29 (f) On or before the 25th day of the 1st month following
30 the end of the calendar quarter, a seller of drycleaning
31 solvents who has collected a tax pursuant to this Section
32 during the previous calendar quarter, or a purchaser or end
33 user of drycleaning solvents required under subsection (c) to
34 submit the tax directly to the Department, shall file a

1 return with the Department of Revenue. The return shall be
2 filed on a form prescribed by the Department of Revenue and
3 shall contain information that the Department of Revenue
4 reasonably requires. Each seller of drycleaning solvent
5 maintaining a place of business in this State who is required
6 or authorized to collect the tax imposed by this Act shall
7 pay to the Department the amount of the tax at the time when
8 he or she is required to file his or her return for the
9 period during which the tax was collected. Purchasers or end
10 users remitting the tax directly to the Department under
11 subsection (c) shall file a return with the Department of
12 Revenue and pay the tax so incurred by the purchaser or end
13 user during the preceding calendar quarter.

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

17 (h) On and after January 1, 1998, no person shall
18 knowingly sell or transfer drycleaning solvent to an operator
19 of a drycleaning facility that is not licensed by the Agency
20 Council under Section 60. A person who violates this
21 subsection is liable for a civil penalty not to exceed \$500
22 for a first violation and a civil penalty not to exceed
23 \$5,000 for a second or subsequent violation.

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

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

27 (415 ILCS 135/75)

28 Sec. 75. Adjustment of fees and taxes. Beginning January
29 1, 2000, and annually after that date, the Agency Council
30 shall adjust the copayment obligation of subsection (e) of
31 Section 40, the drycleaning solvent taxes of Section 65, the
32 license fees of Section 60, or any combination of adjustment
33 of each, after notice and opportunity for public comment and

1 after obtaining the advice and support of the Advisory
 2 Committee, in a manner determined necessary and appropriate
 3 to ensure viability of the Fund. ~~Viability-of-the-Fund-shall~~
 4 ~~consider-the-settlement-of--all--current--claims--subject--to~~
 5 ~~prioritization--of--benefits-under-subsection-(c)-of-Section~~
 6 ~~25,-consistent-with-the-purposes-of-this-Act.~~

7 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

8 (415 ILCS 135/80)

9 Sec. 80. Audits and reports.

10 (a) The accounts, books, and other financial records of
 11 the Agency Council, including but not limited to its
 12 receipts, disbursements, contracts, and other matters
 13 relating to its finance, operation, and affairs, shall be
 14 examined and audited annually by the Auditor General in
 15 accordance with the audit standards under the Illinois State
 16 Auditing Act. ~~This-audit-shall-be-provided-to-the-Agency-for~~
 17 ~~review.~~

18 (b) Upon request by the Auditor General, the Agency
 19 Council shall retain a firm of certified public accountants
 20 to examine and audit the Agency Council as described in
 21 subsection (a) on behalf of the Auditor General.

22 (c) The accounts, books, and other financial records of
 23 the Agency Council shall be maintained in accordance with the
 24 State Records Act and accepted accounting practices
 25 established by the State.

26 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

27 (415 ILCS 135/85)

28 Sec. 85. Repeal of fee and tax provisions. On or before
 29 January 1, 2022, the Agency, in conjunction with the Advisory
 30 Committee, shall study the necessity of continuing to impose
 31 the taxes and fees established in Sections 60, 61, and 65.
 32 Upon conclusion of the study, the Agency shall report its

1 findings and recommendations to the General Assembly Sections
2 60-and-65-of-this-Act-are-repealed-on-January-1,-2010.
3 (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

4 (215 ILCS 5/2.5 rep.)

5 Section 10. The Illinois Insurance Code is amended by
6 repealing Section 2.5.

7 (415 ILCS 135/15 rep.)

8 (415 ILCS 135/20 rep.)

9 (415 ILCS 135/25 rep.)

10 (415 ILCS 135/30 rep.)

11 (415 ILCS 135/35 rep.)

12 (415 ILCS 135/45 rep.)

13 (415 ILCS 135/50 rep.)

14 (415 ILCS 135/55 rep.)

15 Section 15. The Environmental Response Trust Fund Act is
16 amended by repealing Sections 15, 20, 25, 30, 35, 45, 50, and
17 55.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

1	INDEX
2	Statutes amended in order of appearance
3	SEE INDEX
4	415 ILCS 135/5
5	415 ILCS 135/10
6	415 ILCS 135/16 new
7	415 ILCS 135/21 new
8	415 ILCS 135/22 new
9	415 ILCS 135/23 new
10	415 ILCS 135/40
11	415 ILCS 135/60
12	415 ILCS 135/61 new
13	415 ILCS 135/65
14	415 ILCS 135/75
15	415 ILCS 135/80
16	415 ILCS 135/85
17	215 ILCS 5/2.5 rep.
18	415 ILCS 135/15 rep.
19	415 ILCS 135/20 rep.
20	415 ILCS 135/25 rep.
21	415 ILCS 135/30 rep.
22	415 ILCS 135/35 rep.
23	415 ILCS 135/45 rep.
24	415 ILCS 135/50 rep.
25	415 ILCS 135/55 rep.