



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2302

by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

415 ILCS 135/5  
415 ILCS 135/60  
415 ILCS 135/65

Amends the Drycleaner Environmental Response Trust Fund Act. Specifies that green solvents are not drycleaning solvents for the purposes of the Act. Deletes provisions that provided for the taxation and regulation of green solvents under the Act. Provides that on and after January 1, 2014 no annual licensure fee is required for a facility that uses exclusively green solvents. Provides that if the Drycleaner Environmental Response Trust Fund Council has determined prior to the effective date of the amendatory Act that a product is a green solvent, then the Council shall not reconsider or otherwise change that determination on or after the effective date of the amendatory Act. Makes other changes. Defines "green solvent".

LRB098 08764 JDS 38889 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Drycleaner Environmental Response Trust  
5 Fund Act is amended by changing Sections 5, 60, and 65 as  
6 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  
17 account with respect to a release.

18 (d) "Council" means the Drycleaner Environmental Response  
19 Trust Fund Council.

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

22 (f) "Drycleaning facility" means a facility located in this  
23 State that is or has been engaged in drycleaning operations for

1 the general public, other than a:

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

3 (2) industrial laundry, commercial laundry, or linen  
4 supply facility;

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

11 (4) not-for-profit hospital or other health care  
12 facility; or a

13 (5) facility located or formerly located on federal or  
14 State property.

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

20 (h) "Drycleaning solvent" means any and all nonaqueous  
21 solvents, including but not limited to a chlorine-based or  
22 petroleum-based formulation or product, ~~including green~~  
23 ~~solvents,~~ that are used as a primary cleaning agent in  
24 drycleaning operations. "Drycleaning solvent" does not include  
25 any green solvent.

26 (i) "Emergency" or "emergency action" means a situation or

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

8 (i-5) "Green solvent" has the meaning established under 35  
9 Ill. Adm. Code 1500.20.

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

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

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

1 engages in the business of selling in this State.

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

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

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

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

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

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

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

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

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

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

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

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

19 (415 ILCS 135/60)

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

21 Sec. 60. Drycleaning facility license.

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

25 (b) The Council shall issue an initial or renewal license

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

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

26 (1) \$500 for a facility that uses (i) 50 gallons or

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

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

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

26 (4) \$1,000 for a facility that uses (i) more than 150



1 gallons but not more than 200 gallons of chlorine-based ~~or~~  
2 ~~green~~ drycleaning solvents annually, (ii) more than 750  
3 gallons but not more than 1,000 gallons annually of  
4 hydrocarbon-based solvents in a drycleaning machine  
5 equipped with a solvent reclaimer, or (iii) more than 1,500  
6 gallons but not more than 2,000 gallons annually of  
7 hydrocarbon-based drycleaning solvents in a drycleaning  
8 machine without a solvent reclaimer.

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

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

1           (7) \$1,000 for a facility that uses (i) more than 300  
2 gallons but not more than 350 gallons of chlorine-based ~~or~~  
3 ~~green~~ drycleaning solvents annually, (ii) more than 1,500  
4 gallons but not more than 1,750 gallons annually of  
5 hydrocarbon-based solvents in a drycleaning machine  
6 equipped with a solvent reclaimer, or (iii) more than 3,000  
7 gallons but not more than 3,500 gallons annually of  
8 hydrocarbon-based drycleaning solvents in a drycleaning  
9 machine without a solvent reclaimer.

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

19           (9) \$1,500 for a facility that uses (i) more than 400  
20 gallons but not more than 450 gallons of chlorine-based ~~or~~  
21 ~~green~~ drycleaning solvents annually, (ii) more than 2,000  
22 gallons but not more than 2,250 gallons annually of  
23 hydrocarbon-based solvents in a drycleaning machine  
24 equipped with a solvent reclaimer, or (iii) more than 4,000  
25 gallons but not more than 4,500 gallons annually of  
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

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

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

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

1 hydrocarbon-based drycleaning solvents in a drycleaning  
2 machine without a solvent reclaimer.

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

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

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

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

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

26 On and after January 1, 2014, no annual licensure fee is

1 required for a facility that uses exclusively green solvents.

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

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

9 (2) in the case of a renewal applicant, the quantity of  
10 drycleaning solvents actually purchased in the preceding  
11 license year.

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

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

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

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

26 (e) An operator of a drycleaning facility shall submit the

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

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

19 (g) (Blank).

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

23 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
24 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.  
25 7-13-12; 97-1057, eff. 1-1-13.)

1 (415 ILCS 135/65)

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

3 Sec. 65. Drycleaning solvent tax.

4 (a) On and after January 1, 1998, a tax is imposed upon the  
5 use of drycleaning solvent by a person engaged in the business  
6 of operating a drycleaning facility in this State at the rate  
7 of \$3.50 per gallon of perchloroethylene or other chlorinated  
8 drycleaning solvents used in drycleaning operations and ~~7~~ \$0.35  
9 per gallon of petroleum-based drycleaning solvent, ~~and \$1.75~~  
10 ~~per gallon of green solvents, unless the green solvent is used~~  
11 ~~at a virgin facility, in which case the rate is \$0.35 per~~  
12 ~~gallon.~~ The Council shall determine by rule which products are  
13 chlorine-based solvents, which products are petroleum-based  
14 solvents, and which products are green solvents. All  
15 drycleaning solvents shall be considered chlorinated solvents  
16 unless the Council determines that the solvents are  
17 petroleum-based drycleaning solvents or green solvents. If the  
18 Council has determined prior to the effective date of this  
19 amendatory Act of the 98th General Assembly that a product is a  
20 green solvent, then the Council shall not reconsider or  
21 otherwise change that determination on or after the effective  
22 date of this amendatory Act of the 98th General Assembly.

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  
26 shall be remitted to the Department of Revenue under the

1 provisions of this Act.

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

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

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

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

14 (3) one of the following:

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

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

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

26 (f) On or before the 25th day of the 1st month following



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

23 Except as provided in this Section, the seller of  
24 drycleaning solvents filing the return under this Section  
25 shall, at the time of filing the return, pay to the Department  
26 the amount of tax imposed by this Act less a discount of 1.75%,

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

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

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

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

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