



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4150

Introduced 1/30/2012, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.57 new

Amends the Environmental Protection Act. Beginning January 1, 2030, prohibits the installation or operation of drycleaning machines that use perchloroethylene. Until that date, authorizes the use of (i) perchloroethylene drycleaning machines that have only a primary control system, but only for the remainder of each machine's useful life and at the facility at which it is located on the effective date of the amendatory Act and (ii) perchloroethylene drycleaning machines that have primary and secondary control systems. Beginning January 1, 2013, prohibits a person from operating a drycleaning machine unless (i) a person with specified training is present at the facility during the machine's operation and (ii) certain secondary containment measures are in place. Authorizes the Environmental Protection Agency, by rules adopted before July 1, 2013, to require manufacturers of alternatives to perchloroethylene to provide information about those products to the Agency. Requires the Agency to review the safety and legality of the perchloroethylene alternatives. Defines "drycleaning", "drycleaning machine", "drycleaning solvents", "perchloroethylene drycleaning machine", "primary control system", "refrigerated condenser", and "secondary control system". Effective immediately.

LRB097 17967 JDS 63190 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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

6 (415 ILCS 5/22.57 new)

7 Sec. 22.57. Perchloroethylene in drycleaning.

8 (a) For the purposes of this Section:

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

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

14 "Drycleaning solvents" means solvents used in drycleaning.

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

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

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

1 perchloroethylene.

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

7 (b) The following shall apply until January 1, 2030:

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

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

21 (c) On and after January 1, 2030, no person shall install
22 or operate a perchloroethylene drycleaning machine.

23 (d) Beginning January 1, 2013, no person shall operate a
24 drycleaning machine unless all of the following are met:

25 (1) During the operation of the machine, a person with
26 the following training is present at the facility where the

1 machine is located:

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

11 (B) Once every 4 years after completion of the
12 initial environmental training course, successful
13 completion of a refresher environmental training
14 course that is approved by the Dry Cleaner
15 Environmental Response Trust Fund Council, in
16 consultation with the Agency, as providing (i)
17 appropriate review and updates on drycleaning best
18 management practices, including, but not limited to,
19 reducing solvent air emissions, reducing solvent
20 spills and leaks, protecting groundwater, and
21 promoting the efficient use of solvents, and (ii) until
22 January 1, 2030, information on drycleaning solvents,
23 technologies, and alternatives that do not utilize
24 perchloroethylene.

25 (2) Proof of successful completion of the training
26 required under paragraph (1) of subsection (d) of this

1 Section is maintained at the drycleaning facility. Proof of
2 successful completion of the training must be made
3 available for inspection and copying by the Agency or units
4 of local government during normal business hours.

5 (3) All of the following secondary containment
6 measures are in place:

7 (A) There is a containment dike or other
8 containment structure around each machine, item of
9 equipment, drycleaning area, and portable waste
10 container in which any drycleaning solvent is
11 utilized, which shall be capable of containing leaks,
12 spills, or releases of drycleaning solvent from that
13 machine, item, area, or container. The containment
14 dike or other containment structure shall be capable of
15 at least the following: (i) containing a capacity of
16 110% of the drycleaning solvent in the largest tank or
17 vessel within the machine; (ii) containing 100% of the
18 drycleaning solvent of each item of equipment or
19 drycleaning area; and (iii) containing 100% of the
20 drycleaning solvent of the largest portable waste
21 container or at least 10% of the total volume of the
22 portable waste containers stored within the
23 containment dike or structure, whichever is greater.
24 Petroleum underground storage tank systems that are
25 upgraded in accordance with USEPA upgrade standards
26 pursuant to 40 CFR Part 280 for the tanks and related

1 pipng systems and use a leak detection system approved
2 by the USEPA or the Agency are exempt from this
3 subparagraph (A).

4 (B) Those portions of diked floor surfaces on which
5 a drycleaning solvent may leak, spill, or otherwise be
6 released have been sealed or otherwise rendered
7 impervious.

8 (C) All chlorine-based drycleaning solvent is
9 delivered to the drycleaning facility by means of
10 closed, direct-coupled delivery systems. The Dry
11 Cleaner Environmental Response Trust Fund Council may
12 adopt rules specifying methods of delivery of solvents
13 other than chlorine-based solvents to drycleaning
14 facilities. Solvents other than chlorine-based
15 solvents must be delivered to drycleaning facilities
16 in accordance with rules adopted by the Dry Cleaner
17 Environmental Response Trust Fund Council.

18 (e) Manufacturers of drycleaning solvents or other
19 cleaning agents used as alternatives to perchloroethylene
20 drycleaning that are sold or offered for sale in Illinois must,
21 in accordance with Agency rules, provide to the Agency
22 sufficient information that will allow the Agency to determine
23 whether the drycleaning solvents or cleaning agents may pose
24 negative impacts to human health or the environment. These
25 alternatives shall include, but are not limited to, drycleaning
26 solvents or other cleaning agents used in solvent-based

1 cleaning, carbon-dioxide based cleaning, and professional wet
2 cleaning methods. The information shall include, but is not
3 limited to, information regarding the physical and chemical
4 properties of the drycleaning solvents or cleaning agents and
5 toxicity data. No later than July 1, 2013, the Agency shall
6 adopt rules specifying the information that manufacturers must
7 submit under this subsection (e). The rules must include, but
8 shall not be limited to, a deadline for submission of the
9 information to the Agency. The Agency shall post information
10 resulting from its review of the drycleaning solvents and
11 cleaning agents on the Agency's website.

12 (f) In order to provide drycleaners with information about
13 alternatives to the use of perchlorethylene in drycleaning, the
14 Agency shall review alternatives to determine whether they (i)
15 are allowed by law and (ii) may pose negative impacts to human
16 health or the environment. The Agency shall conduct its review
17 at least 3 times: by January 1, 2015, by January 1, 2021, and
18 by January 1, 2028. The Agency shall post information resulting
19 from these reviews on its website and otherwise distribute the
20 information to drycleaners.

21 (g) Prior to January 1, 2030, but no earlier than January
22 1, 2028, the drycleaning industry, in consultation with the
23 Agency, may recommend to the General Assembly a delay in the
24 deadline set forth in subsection (c) of this Section if
25 technically and economically feasible alternatives to the use
26 of perchloroethylene drycleaning machines will not be

1 available by January 1, 2030.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.