

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. "AN ACT concerning safety", Public Act 101-400,  
5 approved August 16, 2019, is amended by changing Section 99 as  
6 follows:

7 (P.A. 101-400, Sec. 99)

8 Sec. 99. Effective date. This Act takes effect on December  
9 31, 2019, except that Sections 5, 10, and 20 take effect on  
10 July 1, 2020.

11 (Source: P.A. 101-400, eff. 7-1-20.)

12 Section 10. The Drycleaner Environmental Response Trust  
13 Fund Act is amended by changing Sections 12, 31, and 45, as  
14 follows:

15 (415 ILCS 135/12)

16 (This Section may contain text from a Public Act with a  
17 delayed effective date)

18 Sec. 12. Transfer of Council functions to the Agency.

19 (a) On July 1, 2020, the Council is abolished, and, except  
20 as otherwise provided in this Act Section, all powers, duties,  
21 rights, and responsibilities of the Council are transferred to

1 the Agency. On and after that date, all of the general powers  
2 necessary and convenient to implement and administer this Act  
3 are, except as otherwise provided in this Act ~~Section~~, hereby  
4 vested in and may be exercised by the Agency, including, but  
5 not limited to, the powers described in Section 25 of this Act.

6 (b) No later than June 30, 2020, the Administrator of the  
7 Fund shall prepare on behalf of the Council and deliver to the  
8 Agency a report that lists:

9 (1) the name, address, and telephone number of each  
10 claimant who timely filed an application for remedial  
11 action account benefits by June 30, 2005, and is eligible  
12 for reimbursement from the Fund under Section 40 of this  
13 Act for costs of remediation of a release of drycleaning  
14 solvents from a drycleaning facility;

15 (2) the address of the drycleaning facility where the  
16 release occurred and the names, addresses, and telephone  
17 numbers of the owners and operators of the facility, as  
18 well as whether the drycleaning facility was an active or  
19 inactive drycleaning facility at the time that person  
20 applied for remedial action benefits under Section 40 of  
21 this Act;

22 (3) the deductible that applies with respect to the  
23 release at the facility and the amount of the deductible  
24 that has been satisfied;

25 (4) the total amount that has been reimbursed from the  
26 Fund for the release at the facility;

1 (5) costs approved for reimbursement from the Fund on  
2 or before June 30, 2020, but which have not been reimbursed  
3 from the Fund, for the release at the facility;

4 (6) for each year during which insurance coverage was  
5 provided under this Act, the name, address, and telephone  
6 number of each person who obtained coverage and the names  
7 and addresses of the drycleaning facilities for which that  
8 person obtained coverage;

9 (7) the sites for which site investigations required  
10 under subsection (d) of Section 45 have been deemed  
11 adequate by the Council;

12 (8) the insurance claims under Section 45 of this Act  
13 that are pending; and

14 (9) the appeals under this Act that are pending.

15 (c) No later than June 30, 2020, all books, records,  
16 papers, documents, property (real and personal), contracts,  
17 causes of action, and pending business pertaining to the  
18 powers, duties, rights, and responsibilities transferred by  
19 Public Act 101-400 and this amendatory Act of the 101st General  
20 Assembly, including, but not limited to, material in electronic  
21 or magnetic format and necessary computer hardware and  
22 software, shall be transferred to the Agency, regardless of  
23 whether they are in the possession of the Council, an  
24 independent contractor who serves as Administrator of the Fund,  
25 or any other person.

26 (d) At the direction of the Governor or on July 1, 2020,

1       whichever is earlier, all unexpended appropriations and  
2       balances and other funds available for use by the Council, as  
3       determined by the Director of the Governor's Office of  
4       Management and Budget, shall be transferred for use by the  
5       Agency in accordance with this Act, regardless of whether they  
6       are in the possession of the Council, an independent contractor  
7       who serves as Administrator of the Fund, or any other person.  
8       Unexpended balances so transferred shall be expended by the  
9       Agency only for the purpose for which the appropriations were  
10      originally made.

11       (e) The transfer of powers, duties, rights, and  
12      responsibilities pursuant to Public Act 101-400 and this  
13      amendatory Act of the 101st General Assembly does not affect  
14      any act done, ratified, or canceled or any right accruing or  
15      established or any action or proceeding had or commenced by the  
16      Council or the Administrator of the Fund before July 1, 2020;  
17      such actions may be prosecuted and continued by the Attorney  
18      General.

19       (f) Whenever reports or notices are required to be made or  
20      given or papers or documents furnished or served by any person  
21      to or upon the Council or the Administrator of the Fund in  
22      connection with any of the powers, duties, rights, or  
23      responsibilities transferred by Public Act 101-400 and this  
24      amendatory Act of the 101st General Assembly to the Agency, the  
25      same shall be made, given, furnished, or served in the same  
26      manner to or upon the Agency.

1 (g) All rules duly adopted by the Council before July 1,  
2 2020 shall become rules of the Board on July 1, 2020. ~~The, and~~  
3 ~~beginning on that date, the~~ Agency is authorized to propose to  
4 the Board for adoption, and the Board may adopt, amendments to  
5 those ~~the transferred~~ rules, as well as new rules, for carrying  
6 out, administering, and enforcing the provisions of this Act.

7 (h) In addition to the rules described above, the Board is  
8 hereby authorized to adopt rules establishing minimum  
9 continuing education and compliance program requirements for  
10 owners and operators of active drycleaning facilities. Board  
11 rules establishing minimum continuing education requirements  
12 shall, among other things, identify the minimum number of  
13 continuing education credits that must be obtained and describe  
14 the specific subjects to be covered in continuing education  
15 programs. Board rules establishing minimum compliance program  
16 requirements shall, among other things, identify the type of  
17 inspections that must be conducted. The rules adopted by the  
18 Board under this subsection (h) may also provide an exemption  
19 from continuing education requirements for persons who have,  
20 for at least 10 consecutive years on or after January 1, 2009,  
21 owned or operated a drying facility licensed under this Act.

22 (i) For the purposes of the Successor Agency Act and  
23 Section 9b of the State Finance Act, the Agency is the  
24 successor to the Council beginning July 1, 2020.

25 (Source: P.A. 101-400, eff. 7-1-20.)

1 (415 ILCS 135/31)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 31. Prohibition on renewal of contract with Fund  
5 Administrator. ~~The On and after the effective date of this~~  
6 ~~amendatory Act of the 101st General Assembly, the~~ Council shall  
7 not enter into or renew any contract or agreement with a person  
8 to act as the Administrator of the Fund for a term that extends  
9 beyond June 30, 2020.

10 (Source: P.A. 101-400, eff. 7-1-20.)

11 (415 ILCS 135/45)

12 (Text of Section before amendment by P.A. 101-400)

13 Sec. 45. Insurance account.

14 (a) The insurance account shall offer financial assurance  
15 for a qualified owner or operator of a drycleaning facility  
16 under the terms and conditions provided for under this Section.  
17 Coverage may be provided to either the owner or the operator of  
18 a drycleaning facility. The Council is not required to resolve  
19 whether the owner or operator, or both, are responsible for a  
20 release under the terms of an agreement between the owner and  
21 operator.

22 (b) The source of funds for the insurance account shall be  
23 as follows:

24 (1) Moneys appropriated to the Council or moneys  
25 allocated to the insurance account by the Council according

1 to the Fund budget approved by the Council.

2 (2) Moneys collected as an insurance premium,  
3 including service fees, if any.

4 (3) Investment income attributed to the insurance  
5 account by the Council.

6 (c) An owner or operator may purchase coverage of up to  
7 \$500,000 per drycleaning facility subject to the terms and  
8 conditions under this Section and those adopted by the Council.  
9 Coverage shall be limited to remedial action costs associated  
10 with soil and groundwater contamination resulting from a  
11 release of drycleaning solvent at an insured drycleaning  
12 facility, including third-party liability for soil and  
13 groundwater contamination. Coverage is not provided for a  
14 release that occurred before the date of coverage.

15 (d) An owner or operator, subject to underwriting  
16 requirements and terms and conditions deemed necessary and  
17 convenient by the Council, may purchase insurance coverage from  
18 the insurance account provided that the drycleaning facility to  
19 be insured meets the following conditions:

20 (1) a site investigation designed to identify soil and  
21 groundwater contamination resulting from the release of a  
22 drycleaning solvent has been completed. The Council shall  
23 determine if the site investigation is adequate. This  
24 investigation must be completed by June 30, 2006. For  
25 drycleaning facilities that apply for insurance coverage  
26 after June 30, 2006, the site investigation must be

1 completed prior to issuance of insurance coverage; and

2 (2) the drycleaning facility is participating in and  
3 meets all requirements of a drycleaning compliance program  
4 approved by the Council.

5 (e) The annual premium for insurance coverage shall be:

6 (1) For the year July 1, 1999 through June 30, 2000,  
7 \$250 per drycleaning facility.

8 (2) For the year July 1, 2000 through June 30, 2001,  
9 \$375 per drycleaning facility.

10 (3) For the year July 1, 2001 through June 30, 2002,  
11 \$500 per drycleaning facility.

12 (4) For the year July 1, 2002 through June 30, 2003,  
13 \$625 per drycleaning facility.

14 (5) For subsequent years, an owner or operator applying  
15 for coverage shall pay an annual actuarially-sound  
16 insurance premium for coverage by the insurance account.  
17 The Council may approve Fund coverage through the payment  
18 of a premium established on an actuarially-sound basis,  
19 taking into consideration the risk to the insurance account  
20 presented by the insured. Risk factor adjustments utilized  
21 to determine actuarially-sound insurance premiums should  
22 reflect the range of risk presented by the variety of  
23 drycleaning systems, monitoring systems, drycleaning  
24 volume, risk management practices, and other factors as  
25 determined by the Council. As used in this item,  
26 "actuarially sound" is not limited to Fund premium revenue



1 equaling or exceeding Fund expenditures for the general  
2 drycleaning facility population. Actuarially-determined  
3 premiums shall be published at least 180 days prior to the  
4 premiums becoming effective.

5 (e-5) If an insurer sends a second notice to an owner or  
6 operator demanding immediate payment of a past-due premium for  
7 insurance services provided pursuant to this Act, the demand  
8 for payment must offer a grace period of not less than 30 days  
9 during which the owner or operator shall be allowed to pay any  
10 premiums due. If payment is made during that period, coverage  
11 under this Act shall not be terminated for non-payment by the  
12 insurer.

13 (e-6) If an insurer terminates an owner or operator's  
14 coverage under this Act, the insurer must send a written notice  
15 to the owner or operator to inform him or her of the  
16 termination of that coverage, and that notice must include  
17 instructions on how to seek reinstatement of coverage, as well  
18 as information concerning any premiums or penalties that might  
19 be due.

20 (f) If coverage is purchased for any part of a year, the  
21 purchaser shall pay the full annual premium. The insurance  
22 premium is fully earned upon issuance of the insurance policy.

23 (g) The insurance coverage shall be provided with a \$10,000  
24 deductible policy.

25 (h) A future repeal of this Section shall not terminate the  
26 obligations under this Section or authority necessary to

1 administer the obligations until the obligations are  
2 satisfied, including but not limited to the payment of claims  
3 filed prior to the effective date of any future repeal against  
4 the insurance account until moneys in the account are  
5 exhausted. Upon exhaustion of the moneys in the account, any  
6 remaining claims shall be invalid. If moneys remain in the  
7 account following satisfaction of the obligations under this  
8 Section, the remaining moneys and moneys due the account shall  
9 be used to assist current insureds to obtain a viable insuring  
10 mechanism as determined by the Council after public notice and  
11 opportunity for comment.

12 (Source: P.A. 98-327, eff. 8-13-13.)

13 (Text of Section after amendment by P.A. 101-400)

14 Sec. 45. Insurance account.

15 (a) The insurance account shall offer financial assurance  
16 for a qualified owner or operator of a drycleaning facility  
17 under the terms and conditions provided for under this Section.  
18 Coverage may be provided to either the owner or the operator of  
19 a drycleaning facility. Neither the Agency nor the Council is  
20 required to resolve whether the owner or operator, or both, are  
21 responsible for a release under the terms of an agreement  
22 between the owner and operator.

23 (b) The source of funds for the insurance account shall be  
24 as follows:

25 (1) moneys allocated to the insurance account;

1           (2) moneys collected as an insurance premium,  
2           including service fees, if any; and

3           (3) investment income attributed to the insurance  
4           account.

5           (c) An owner or operator may purchase coverage of up to  
6           \$500,000 per drycleaning facility subject to the terms and  
7           conditions under this Section and those adopted by the Council  
8           before July 1, 2020 or by the Board on or after that date.  
9           Coverage shall be limited to remedial action costs associated  
10          with soil and groundwater contamination resulting from a  
11          release of drycleaning solvent at an insured drycleaning  
12          facility, including third-party liability for soil and  
13          groundwater contamination. Coverage is not provided for a  
14          release that occurred before the date of coverage.

15          (d) An owner or operator, subject to underwriting  
16          requirements and terms and conditions deemed necessary and  
17          convenient by the Council for periods before July 1, 2020 and  
18          subject to terms and conditions deemed necessary and convenient  
19          by the Board for periods on or after that date, may purchase  
20          insurance coverage from the insurance account provided that:

21                 (1) a site investigation designed to identify soil and  
22                 groundwater contamination resulting from the release of a  
23                 drycleaning solvent has been completed for the drycleaning  
24                 facility to be insured and the site investigation has been  
25                 found adequate by the Council before July 1, 2020 or by the  
26                 Agency on or after that date; ~~and~~

1           (2) the drycleaning facility is participating in and  
2 meets all drycleaning compliance program requirements  
3 adopted by the Board pursuant Section 12 of this Act; ~~the~~  
4 ~~Drycleaner Environmental Response Trust Fund Act.~~

5           (3) the drycleaning facility to be insured is licensed  
6 under Section 60 of this Act and all fees due under that  
7 Section have been paid;

8           (4) the owner or operator of the drycleaning facility  
9 to be insured provides proof to the Agency or Council that:

10           (A) all drycleaning solvent wastes generated at  
11 the facility are managed in accordance with applicable  
12 State waste management laws and rules;

13           (B) there is no discharge of wastewater from  
14 drycleaning machines, or of drycleaning solvent from  
15 drycleaning operations, to a sanitary sewer or septic  
16 tank, to the surface, or in groundwater;

17           (C) the facility has a containment dike or other  
18 containment structure around each machine, item of  
19 equipment, drycleaning area, and portable waste  
20 container in which any drycleaning solvent is  
21 utilized, that is capable of containing leaks, spills,  
22 or releases of drycleaning solvent from that machine,  
23 item, area, or container, including: (i) 100% of the  
24 drycleaning solvent in the largest tank or vessel; (ii)  
25 100% of the drycleaning solvent of each item of  
26 drycleaning equipment; and (iii) 100% of the

1 drycleaning solvent of the largest portable waste  
2 container or at least 10% of the total volume of the  
3 portable waste containers stored within the  
4 containment dike or structure, whichever is greater;

5 (D) those portions of diked floor surfaces at the  
6 facility on which a drycleaning solvent may leak,  
7 spill, or otherwise be released are sealed or otherwise  
8 rendered impervious;

9 (E) all drycleaning solvent is delivered to the  
10 facility by means of closed, direct-coupled delivery  
11 systems; and

12 (F) the drycleaning facility is in compliance with  
13 paragraph (2) of subsection (d) of this Section; and

14 (5) the owner or operator of the drycleaning facility  
15 to be insured has paid all insurance premiums for insurance  
16 coverage provided under this Section.

17 Petroleum underground storage tank systems that are in  
18 compliance with applicable USEPA and State Fire Marshal  
19 rules, including, but not limited to, leak detection system  
20 rules, are exempt from the secondary containment  
21 requirement in subparagraph (C) of paragraph (3) of this  
22 subsection (d).

23 (e) The annual premium for insurance coverage shall be:

24 (1) For the year July 1, 1999 through June 30, 2000,  
25 \$250 per drycleaning facility.

26 (2) For the year July 1, 2000 through June 30, 2001,

1           \$375 per drycleaning facility.

2           (3) For the year July 1, 2001 through June 30, 2002,  
3           \$500 per drycleaning facility.

4           (4) For the year July 1, 2002 through June 30, 2003,  
5           \$625 per drycleaning facility.

6           (5) For each subsequent program year through the  
7           program year ending June 30, 2019 ~~For subsequent years~~, an  
8           owner or operator applying for coverage shall pay an annual  
9           actuarially-sound insurance premium for coverage by the  
10          insurance account. The Council may approve Fund coverage  
11          through the payment of a premium established on an  
12          actuarially-sound basis, taking into consideration the  
13          risk to the insurance account presented by the insured.  
14          Risk factor adjustments utilized to determine  
15          actuarially-sound insurance premiums should reflect the  
16          range of risk presented by the variety of drycleaning  
17          systems, monitoring systems, drycleaning volume, risk  
18          management practices, and other factors as determined by  
19          the Council. As used in this item, "actuarially sound" is  
20          not limited to Fund premium revenue equaling or exceeding  
21          Fund expenditures for the general drycleaning facility  
22          population. Actuarially-determined premiums shall be  
23          published at least 180 days prior to the premiums becoming  
24          effective.

25          (6) For the year July 1, 2020 through June 30, 2021,  
26          and for subsequent years through June 30, 2029, \$1,500 per

1 drycleaning facility per year.

2 (7) For July 1, 2029 through January 1, 2030, \$750 per  
3 drycleaning facility.

4 (e-5) (Blank).

5 (e-6) (Blank).

6 (f) If coverage is purchased for any part of a year, the  
7 purchaser shall pay the full annual premium. Until July 1,  
8 2020, the ~~The~~ insurance premium is fully earned upon issuance  
9 of the insurance policy. Beginning July 1, 2020, coverage first  
10 commences for a purchaser only after payment of the full annual  
11 premium due for the applicable program year.

12 (g) Any insurance coverage provided under this Section  
13 shall be subject to a \$10,000 deductible.

14 (h) A future repeal of this Section shall not terminate the  
15 obligations under this Section or authority necessary to  
16 administer the obligations until the obligations are  
17 satisfied, including but not limited to the payment of claims  
18 filed prior to the effective date of any future repeal against  
19 the insurance account until moneys in the account are  
20 exhausted. Upon exhaustion of the moneys in the account, any  
21 remaining claims shall be invalid. If moneys remain in the  
22 account following satisfaction of the obligations under this  
23 Section, the remaining moneys and moneys due the account shall  
24 be deposited in the remedial action account.

25 (Source: P.A. 101-400, eff. 7-1-20.)

1           Section 15. The Drycleaner Environmental Response Trust  
2 Fund Act is amended by changing Sections 5, 25, 40, and 60 as  
3 follows:

4           (415 ILCS 135/5)

5           (Text of Section before amendment by P.A. 101-400)

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

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

10           (b) "Agency" means the Illinois Environmental Protection  
11 Agency.

12           (c) "Claimant" means an owner or operator of a drycleaning  
13 facility who has applied for reimbursement from the remedial  
14 account or who has submitted a claim under the insurance  
15 account with respect to a release.

16           (d) "Council" means the Drycleaner Environmental Response  
17 Trust Fund Council.

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

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

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

24                   (2) industrial laundry, commercial laundry, or linen  
25 supply facility;



1           (3) prison or other penal institution that engages in  
2           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 or  
10          State property.

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

16          (h) "Drycleaning solvent" means any and all nonaqueous  
17          solvents, including but not limited to a chlorine-based or  
18          petroleum-based formulation or product, including green  
19          solvents, that are used as a primary cleaning agent in  
20          drycleaning operations.

21          (i) "Emergency" or "emergency action" means a situation or  
22          an immediate response to a situation to protect public health  
23          or safety. "Emergency" or "emergency action" does not mean  
24          removal of contaminated soils, recovery of free product, or  
25          financial hardship. An "emergency" or "emergency action" would  
26          normally be expected to be directly related to a sudden event

1 or discovery and would last until the threat to public health  
2 is mitigated.

3 (j) "Groundwater" means underground water that occurs  
4 within the saturated zone and geologic materials where the  
5 fluid pressure in the pore space is equal to or greater than  
6 the atmospheric pressure.

7 (k) "Inactive drycleaning facility" means a drycleaning  
8 facility that is not being used for drycleaning operations and  
9 is not registered under this Act.

10 (l) "Maintaining a place of business in this State" or any  
11 like term means (1) having or maintaining within this State,  
12 directly or through a subsidiary, an office, distribution  
13 facility, distribution house, sales house, warehouse, or other  
14 place of business or (2) operating within this State as an  
15 agent or representative for a person or a person's subsidiary  
16 engaged in the business of selling to persons within this  
17 State, irrespective of whether the place of business or agent  
18 or other representative is located in this State permanently or  
19 temporary, or whether the person or the person's subsidiary  
20 engages in the business of selling in this State.

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

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

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

6           (p) "Parent corporation" means a business entity or other  
7 business arrangement that has elements of common ownership or  
8 control or that uses a long-term contractual arrangement with a  
9 person to avoid direct responsibility for conditions at a  
10 drycleaning facility.

11           (q) "Person" means an individual, trust, firm, joint stock  
12 company, corporation, consortium, joint venture, or other  
13 commercial entity.

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

16           (s) "Release" means any spilling, leaking, emitting,  
17 discharging, escaping, leaching, or dispersing of drycleaning  
18 solvents from a drycleaning facility to groundwater, surface  
19 water, or subsurface soils.

20           (t) "Remedial action" means activities taken to comply with  
21 Sections 58.6 and 58.7 of the Environmental Protection Act and  
22 rules adopted by the Pollution Control Board under those  
23 Sections.

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

1           (v) "Service provider" means a consultant, testing  
2 laboratory, monitoring well installer, soil boring contractor,  
3 other contractor, lender, or any other person who provides a  
4 product or service for which a claim for reimbursement has been  
5 or will be filed against the remedial account or insurance  
6 account, or a subcontractor of such a person.

7           (w) "Virgin facility" means a drycleaning facility that has  
8 never had chlorine-based or petroleum-based drycleaning  
9 solvents stored or used at the property prior to it becoming a  
10 green solvent drycleaning facility.

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

12           (Text of Section after amendment by P.A. 101-400)

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

14           "Active drycleaning facility" means a drycleaning facility  
15 actively engaged in drycleaning operations and licensed under  
16 Section 60 of this Act.

17           "Agency" means the Illinois Environmental Protection  
18 Agency.

19           "Board" means the Illinois Pollution Control Board.

20           "Claimant" means an owner or operator of a drycleaning  
21 facility who has applied for reimbursement from the remedial  
22 account or who has submitted a claim under the insurance  
23 account with respect to a release.

24           "Council" means the Drycleaner Environmental Response  
25 Trust Fund Council.

1 "Drycleaner Environmental Response Trust Fund" or "Fund"  
2 means the fund created under Section 10 of this Act.

3 "Drycleaning facility" means a facility located in this  
4 State that is or has been engaged in drycleaning operations for  
5 the general public, other than:

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

8 (2) an industrial laundry, commercial laundry, or  
9 linen supply facility;

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

16 (4) a not-for-profit hospital or other health care  
17 facility; or a

18 (5) a facility located or formerly located on federal  
19 or State property.

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

25 "Drycleaning solvent" means any and all nonaqueous  
26 solvents, including but not limited to a chlorine-based or

1 petroleum-based formulation or product, including green  
2 solvents, that are used as a primary cleaning agent in  
3 drycleaning operations.

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

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

16 "Inactive drycleaning facility" means a drycleaning  
17 facility that is not being used for drycleaning operations and  
18 is not registered under this Act.

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

1 or other representative is located in this State permanently or  
2 temporary, or whether the person or the person's subsidiary  
3 engages in the business of selling in this State.

4 "No Further Remediation Letter" means a letter provided by  
5 the Agency pursuant to Section 58.10 of Title XVII of the  
6 Environmental Protection Act.

7 "Operator" means a person or entity holding a business  
8 license to operate a licensed drycleaning facility or the  
9 business operation of which the drycleaning facility is a part.

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

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

20 "Person" means an individual, trust, firm, joint stock  
21 company, corporation, consortium, joint venture, or other  
22 commercial entity.

23 "Program year" means the period beginning on July 1 and  
24 ending on the following June 30.

25 "Release" means any spilling, leaking, emitting,  
26 discharging, escaping, leaching, or dispersing of drycleaning

1 solvents from a drycleaning facility to groundwater, surface  
2 water, or subsurface soils.

3 "Remedial action" means activities taken to comply with  
4 Title XVII of the Environmental Protection Act and rules  
5 adopted by the Board to administer that Title.

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

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

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

18 (Source: P.A. 101-400, eff. 7-1-20.)

19 (415 ILCS 135/25)

20 (Text of Section before amendment by P.A. 101-400)

21 Sec. 25. Powers and duties of the Council.

22 (a) The Council shall have all of the general powers  
23 reasonably necessary and convenient to carry out its purposes  
24 and may perform the following functions, subject to any express  
25 limitations contained in this Act:



1           (1) Take actions and enter into agreements necessary to  
2 reimburse claimants for eligible remedial action expenses,  
3 assist the Agency to protect the environment from releases,  
4 reduce costs associated with remedial actions, and  
5 establish and implement an insurance program.

6           (2) Acquire and hold personal property to be used for  
7 the purpose of remedial action.

8           (3) Purchase, construct, improve, furnish, equip,  
9 lease, option, sell, exchange, or otherwise dispose of one  
10 or more improvements under the terms it determines. The  
11 Council may define "improvements" by rule for purposes of  
12 this Act.

13           (4) Grant a lien, pledge, assignment, or other  
14 encumbrance on one or more revenues, assets of right,  
15 accounts, or funds established or received in connection  
16 with the Fund, including revenues derived from fees or  
17 taxes collected under this Act.

18           (5) Contract for the acquisition or construction of one  
19 or more improvements or parts of one or more improvements  
20 or for the leasing, subleasing, sale, or other disposition  
21 of one or more improvements in a manner the Council  
22 determines.

23           (6) Cooperate with the Agency in the implementation and  
24 administration of this Act to minimize unnecessary  
25 duplication of effort, reporting, or paperwork and to  
26 maximize environmental protection within the funding

1 limits of this Act.

2 (7) Except as otherwise provided by law, inspect any  
3 document in the possession of an owner, operator, service  
4 provider, or any other person if the document is relevant  
5 to a claim for reimbursement under this Section or may  
6 inspect a drycleaning facility for which a claim for  
7 benefits under this Act has been submitted.

8 (b) The Council shall pre-approve, and the contracting  
9 parties shall seek pre-approval for, a contract entered into  
10 under this Act if the cost of the contract exceeds \$75,000. The  
11 Council or its designee shall review and approve or disapprove  
12 all contracts entered into under this Act. However, review by  
13 the Council or its designee shall not be required when an  
14 emergency situation exists. All contracts entered into by the  
15 Council shall be awarded on a competitive basis to the maximum  
16 extent practical. In those situations where it is determined  
17 that bidding is not practical, the basis for the determination  
18 of impracticability shall be documented by the Council or its  
19 designee.

20 (c) The Council may prioritize the expenditure of funds  
21 from the remedial action account whenever it determines that  
22 there are not sufficient funds to settle all current claims. In  
23 prioritizing, the Council may consider the following:

24 (1) the degree to which human health is affected by the  
25 exposure posed by the release;

26 (2) the reduction of risk to human health derived from

1 remedial action compared to the cost of the remedial  
2 action;

3 (3) the present and planned uses of the impacted  
4 property; and

5 (4) other factors as determined by the Council.

6 (d) The Council shall adopt rules allowing the direct  
7 payment from the Fund to a contractor who performs remediation.  
8 The rules concerning the direct payment shall include a  
9 provision that any applicable deductible must be paid by the  
10 drycleaning facility prior to any direct payment from the Fund.

11 (e) The Council may purchase reinsurance coverage to reduce  
12 the Fund's potential liability for reimbursement of remedial  
13 action costs.

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

15 (Text of Section after amendment by P.A. 101-400)

16 Sec. 25. Powers and duties of the Agency and Board.

17 (a) The Agency shall have all of the general powers  
18 reasonably necessary and convenient to carry out this Act,  
19 including, but not limited to, the power to:

20 (1) Take actions and enter into agreements necessary  
21 to:

22 (A) reimburse claimants for eligible remedial  
23 action expenses;

24 (B) protect the environment from releases for  
25 which claimants are eligible for reimbursement under

1           this Act by, among other things, performing  
2           investigative, remedial, or other appropriate actions  
3           in response to those releases; ~~and~~

4           (C) reduce costs associated with remedial actions;  
5           and-

6           (D) pay eligible claims in accordance with  
7           coverage provided under Section 45 of this Act.

8           (2) Acquire and hold personal property to be used for  
9           the purpose of remedial action.

10          (3) (Blank).

11          (4) (Blank).

12          (5) (Blank).

13          (6) (Blank).

14          (7) Except as otherwise provided by law, inspect any  
15          document in the possession of an owner, operator, service  
16          provider, or any other person if the document is relevant  
17          to a claim for reimbursement under this Section or may  
18          inspect a drycleaning facility for which a claim for  
19          benefits under this Act has been submitted.

20          (b) (Blank).

21          (c) The Agency shall, in accordance with Board rules,  
22          prioritize the expenditure of funds from the remedial action  
23          account whenever it determines that there are not sufficient  
24          funds to settle all current claims. In prioritizing, the Agency  
25          shall consider, among other things, the following:

26                 (1) the degree to which human health is affected by the

1 exposure posed by the release;

2 (2) the reduction of risk to human health derived from  
3 remedial action compared to the cost of the remedial  
4 action;

5 (3) the present and planned uses of the impacted  
6 property;

7 (4) whether the claimant is currently licensed,  
8 insured, and has paid all fees and premiums due under this  
9 Act; and

10 (5) other factors as determined by the Board.

11 (d) The Board may adopt rules allowing the direct payment  
12 from the Fund to a contractor who performs remediation. The  
13 rules concerning the direct payment shall include a provision  
14 that any applicable deductible must be paid by the drycleaning  
15 facility prior to any direct payment from the Fund.

16 (e) (Blank).

17 (f) The Agency may, in accordance with constitutional  
18 limitations, enter at all reasonable times upon any private or  
19 public property for the purpose of inspecting and investigating  
20 to ascertain possible violations of this Act, any rule adopted  
21 under this Act, or any order entered pursuant to this Act.

22 (g) If the Agency becomes aware of a violation of this Act  
23 or any rule adopted under this Act, it may refer the matter to  
24 the Attorney General for enforcement.

25 (h) In calendar years 2021 and 2022 and as deemed necessary  
26 by the Director of the Agency thereafter, the Agency shall

1 prepare a report on the status of the Fund and convene a public  
2 meeting for purposes of disseminating the information in the  
3 report and accepting questions from members of the public on  
4 its contents. The reports prepared by the Agency under this  
5 subsection shall, at a minimum, describe the current financial  
6 status of the Fund, identify administrative expenses incurred  
7 by the Agency in its administration of the Fund, identify  
8 amounts from the Fund that have been applied toward remedial  
9 action and insurance claims under the Act, and list the  
10 drycleaning facilities in the State eligible for reimbursement  
11 from the Fund that have completed remedial action. The Agency  
12 shall make available on its website an electronic copy of the  
13 reports required under this subsection.

14 (Source: P.A. 101-400, eff. 7-1-20.)

15 (415 ILCS 135/40)

16 (Text of Section before amendment by P.A. 101-400)

17 Sec. 40. Remedial action account.

18 (a) The remedial action account is established to provide  
19 reimbursement to eligible claimants for drycleaning solvent  
20 investigation, remedial action planning, and remedial action  
21 activities for existing drycleaning solvent contamination  
22 discovered at their drycleaning facilities.

23 (b) The following persons are eligible for reimbursement  
24 from the remedial action account:

25 (1) In the case of claimant who is the owner or

1 operator of an active drycleaning facility licensed by the  
2 Council under this Act at the time of application for  
3 remedial action benefits afforded under the Fund, the  
4 claimant is only eligible for reimbursement of remedial  
5 action costs incurred in connection with a release from  
6 that drycleaning facility, subject to any other  
7 limitations under this Act.

8 (2) In the case of a claimant who is the owner of an  
9 inactive drycleaning facility and was the owner or operator  
10 of the drycleaning facility when it was an active  
11 drycleaning facility, the claimant is only eligible for  
12 reimbursement of remedial action costs incurred in  
13 connection with a release from the drycleaning facility,  
14 subject to any other limitations under this Act.

15 (c) An eligible claimant requesting reimbursement from the  
16 remedial action account shall meet all of the following:

17 (1) The claimant demonstrates that the source of the  
18 release is from the claimant's drycleaning facility.

19 (2) At the time the release was discovered by the  
20 claimant, the claimant and the drycleaning facility were in  
21 compliance with the Agency reporting and technical  
22 operating requirements.

23 (3) The claimant reported the release in a timely  
24 manner to the Agency in accordance with State law.

25 (4) (Blank).

26 (5) If the claimant is the owner or operator of an

1 active drycleaning facility, the claimant has provided to  
2 the Council proof of implementation and maintenance of the  
3 following pollution prevention measures:

4 (A) That all drycleaning solvent wastes generated  
5 at a drycleaning facility be managed in accordance with  
6 applicable State waste management laws and rules.

7 (B) A prohibition on the discharge of wastewater  
8 from drycleaning machines or of drycleaning solvent  
9 from drycleaning operations to a sanitary sewer or  
10 septic tank or to the surface or in groundwater.

11 (C) That every drycleaning facility:

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



1 at least 10% of the total volume of the portable  
2 waste containers stored within the containment  
3 dike or structure, whichever is greater.

4 Petroleum underground storage tank systems  
5 that are upgraded in accordance with USEPA upgrade  
6 standards pursuant to 40 CFR Part 280 for the tanks  
7 and related piping systems and use a leak detection  
8 system approved by the USEPA or IEPA are exempt  
9 from this secondary containment requirement; and

10 (II) seal or otherwise render impervious those  
11 portions of diked floor surfaces on which a  
12 drycleaning solvent may leak, spill, or otherwise  
13 be released.

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

17 (6) An active drycleaning facility has maintained  
18 continuous financial assurance for environmental liability  
19 coverage in the amount of at least \$500,000 at least since  
20 the date of award of benefits under this Section or July 1,  
21 2000, whichever is earlier. An uninsured drycleaning  
22 facility that has filed an application for insurance with  
23 the Fund by January 1, 2004, obtained insurance through  
24 that application, and maintained that insurance coverage  
25 continuously shall be considered to have conformed with the  
26 requirements of this subdivision (6). To conform with this

1 requirement the applicant must pay the equivalent of the  
2 total premiums due for the period beginning June 30, 2000  
3 through the date of application plus a 20% penalty of the  
4 total premiums due for that period.

5 (7) The release was discovered on or after July 1, 1997  
6 and before July 1, 2006.

7 (d) A claimant shall submit a completed application form  
8 provided by the Council. The application shall contain  
9 documentation of activities, plans, and expenditures  
10 associated with the eligible costs incurred in response to a  
11 release of drycleaning solvent from a drycleaning facility.  
12 Application for remedial action account benefits must be  
13 submitted to the Council on or before June 30, 2005.

14 (e) Claimants shall be subject to the following deductible  
15 requirements, unless modified pursuant to the Council's  
16 authority under Section 75:

17 (1) An eligible claimant submitting a claim for an  
18 active drycleaning facility is responsible for the first  
19 \$5,000 of eligible investigation costs and for the first  
20 \$10,000 of eligible remedial action costs incurred in  
21 connection with the release from the drycleaning facility  
22 and is only eligible for reimbursement for costs that  
23 exceed those amounts, subject to any other limitations of  
24 this Act.

25 (2) An eligible claimant submitting a claim for an  
26 inactive drycleaning facility is responsible for the first

1           \$10,000 of eligible investigation costs and for the first  
2           \$10,000 of eligible remedial action costs incurred in  
3           connection with the release from that drycleaning  
4           facility, and is only eligible for reimbursement for costs  
5           that exceed those amounts, subject to any other limitations  
6           of this Act.

7           (f) Claimants are subject to the following limitations on  
8           reimbursement:

9                   (1) Subsequent to meeting the deductible requirements  
10                  of subsection (e), and pursuant to the requirements of  
11                  Section 75, reimbursement shall not exceed \$300,000 per  
12                  active drycleaning facility and \$50,000 per inactive  
13                  drycleaning facility.

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

23                  (3) A claimant may appoint the Council as an agent for  
24                  the purposes of negotiating contracts with suppliers of  
25                  goods or services reimbursable by the Fund. The Council may  
26                  select another contractor for goods or services other than

1 the one offered by the claimant if the scope of the  
2 proposed work or actual work of the claimant's offered  
3 contractor does not reflect the quality of workmanship  
4 required or if the costs are determined to be excessive, as  
5 determined by the Council.

6 (4) The Council may require a claimant to obtain and  
7 submit 3 bids and may require specific terms and conditions  
8 in a contract subject to approval.

9 (5) The Council may enter into a contract or an  
10 exclusive contract with the supplier of goods or services  
11 required by a claimant or class of claimants, in connection  
12 with an expense reimbursable from the Fund, for a specified  
13 good or service at a gross maximum price or fixed rate, and  
14 may limit reimbursement accordingly.

15 (6) Unless emergency conditions exist, a service  
16 provider shall obtain the Council's approval of the budget  
17 for the remediation work before commencing the work. No  
18 expense incurred that is above the budgeted amount shall be  
19 paid unless the Council approves the expense prior to its  
20 being incurred. All invoices and bills relating to the  
21 remediation work shall be submitted with appropriate  
22 documentation, as deemed necessary by the Council.

23 (7) Neither the Council nor an eligible claimant is  
24 responsible for payment for costs incurred that have not  
25 been previously approved by the Council, unless an  
26 emergency exists.

1           (8) The Council may determine the usual and customary  
2 costs of each item for which reimbursement may be awarded  
3 under this Section. The Council may revise the usual and  
4 customary costs from time to time as necessary, but costs  
5 submitted for reimbursement shall be subject to the rates  
6 in effect at the time the costs were incurred.

7           (9) If a claimant has pollution liability insurance  
8 coverage other than coverage provided by the insurance  
9 account under this Act, that coverage shall be primary.  
10 Reimbursement from the remedial account shall be limited to  
11 the deductible amounts under the primary coverage and the  
12 amount that exceeds the policy limits of the primary  
13 coverage, subject to the deductible amounts of this Act. If  
14 there is a dispute between the claimant and the primary  
15 insurance provider, reimbursement from the remedial action  
16 account may be made to the claimant after the claimant  
17 assigns all of his or her interests in the insurance  
18 coverage to the Council.

19           (g) The source of funds for the remedial action account  
20 shall be moneys allocated to the account by the Council  
21 according to the Fund budget approved by the Council.

22           (h) A drycleaning facility will be classified as active or  
23 inactive for purposes of determining benefits under this  
24 Section based on the status of the facility on the date a claim  
25 is filed.

26           (i) Eligible claimants shall conduct remedial action in

1 accordance with the Site Remediation Program under the  
2 Environmental Protection Act and Part 740 of Title 35 of the  
3 Illinois Administrative Code and the Tiered Approach to Cleanup  
4 Objectives under Part 742 of Title 35 of the Illinois  
5 Administrative Code.

6 (j) Effective January 1, 2012, an active drycleaning  
7 facility that has previously received or is currently receiving  
8 reimbursement for the costs of a remedial action, as defined in  
9 this Act, shall maintain continuous financial assurance for  
10 environmental liability coverage in the amount of at least  
11 \$500,000 until the earlier of (i) January 1, 2020 or (ii) the  
12 date the Council determines the drycleaning facility is an  
13 inactive drycleaning facility. Failure to comply with this  
14 requirement will result in the revocation of the drycleaning  
15 facility's existing license and in the inability of the  
16 drycleaning facility to obtain or renew a license under Section  
17 60 of this Act.

18 (Source: P.A. 96-774, eff. 1-1-10; 97-377, eff. 1-1-12.)

19 (Text of Section after amendment by P.A. 101-400)

20 Sec. 40. Remedial action account.

21 (a) The remedial action account is established to provide  
22 reimbursement to eligible claimants for drycleaning solvent  
23 investigation, remedial action planning, and remedial action  
24 activities for existing drycleaning solvent contamination  
25 discovered at their drycleaning facilities.

1 (b) The following persons are eligible for reimbursement  
2 from the remedial action account:

3 (1) In the case of a claimant who is the owner or  
4 operator of an active drycleaning facility licensed under  
5 this Act at the time of application for remedial action  
6 benefits afforded under the Fund, the claimant is only  
7 eligible for reimbursement of remedial action costs  
8 incurred in connection with a release from that drycleaning  
9 facility, subject to any other limitations under this Act.

10 (2) In the case of a claimant who is the owner of an  
11 inactive drycleaning facility and was the owner or operator  
12 of the drycleaning facility when it was an active  
13 drycleaning facility, the claimant is only eligible for  
14 reimbursement of remedial action costs incurred in  
15 connection with a release from the drycleaning facility,  
16 subject to any other limitations under this Act.

17 (c) An eligible claimant requesting reimbursement from the  
18 remedial action account shall meet all of the following:

19 (1) The claimant demonstrates that the source of the  
20 release is from the claimant's drycleaning facility.

21 (2) At the time the release was discovered by the  
22 claimant, the claimant and the drycleaning facility were in  
23 compliance with the Agency reporting and technical  
24 operating requirements.

25 (3) The claimant reported the release in a timely  
26 manner in accordance with State law.

1           (4) The drycleaning facility site is enrolled in the  
2 Site Remediation Program established under Title XVII of  
3 the Environmental Protection Act.

4           (5) If the claimant is the owner or operator of an  
5 active drycleaning facility, the claimant must ensure  
6 that:

7           (A) All drycleaning solvent wastes generated at  
8 the drycleaning facility are managed in accordance  
9 with applicable State waste management laws and rules.

10           (B) There is no discharge of wastewater from  
11 drycleaning machines, or of drycleaning solvent from  
12 drycleaning operations, to a sanitary sewer or septic  
13 tank or to the surface or in groundwater.

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



1           100% of the drycleaning solvent of the largest portable  
2           waste container or at least 10% of the total volume of  
3           the portable waste containers stored within the  
4           containment dike or structure, whichever is greater.

5           Petroleum underground storage tank systems that  
6           are in compliance with USEPA and State Fire Marshal  
7           rules, including, but not limited to, leak detection  
8           system rules, are exempt from this secondary  
9           containment requirement.

10           (D) Those portions of diked floor surfaces on which  
11           a drycleaning solvent may leak, spill, or otherwise be  
12           released are sealed or otherwise impervious.

13           (E) All drycleaning solvent is delivered to  
14           drycleaning facilities by means of closed,  
15           direct-coupled delivery systems.

16           (6) An active drycleaning facility has maintained  
17           continuous financial assurance for environmental liability  
18           coverage in the amount of at least \$500,000 at least since  
19           the date of award of benefits under this Section or July 1,  
20           2000, whichever is earlier. An uninsured drycleaning  
21           facility that ~~has~~ filed an application for insurance with  
22           the Fund by January 1, 2004, obtained insurance through  
23           that application, and maintained that insurance coverage  
24           continuously shall be considered to have conformed with the  
25           requirements of this subdivision (6). To conform with this  
26           requirement the applicant must pay the equivalent of the

1 total premiums due for the period beginning June 30, 2000  
2 through the date of application plus a 20% penalty of the  
3 total premiums due for that period.

4 (7) The release was discovered on or after July 1, 1997  
5 and before July 1, 2006.

6 (d) A claimant must have submitted a completed application  
7 form provided by the Council. The application shall contain  
8 documentation of activities, plans, and expenditures  
9 associated with the eligible costs incurred in response to a  
10 release of drycleaning solvent from a drycleaning facility.  
11 Application for remedial action account benefits must have been  
12 submitted to the Council on or before June 30, 2005.

13 (e) Claimants shall be subject to the following deductible  
14 requirements:

15 (1) If, by January 1, 2008, an eligible claimant  
16 submitting a claim for an active drycleaning facility  
17 completed site investigation and submitted to the Council a  
18 complete remedial action plan for the site, then the  
19 eligible claimant is responsible for the first \$5,000 of  
20 eligible investigation costs and for the first \$10,000 of  
21 eligible remedial action costs incurred in connection with  
22 the release from the drycleaning facility and is only  
23 eligible for reimbursement for costs that exceed those  
24 amounts, subject to any other limitations of this Act. Any  
25 eligible claimant submitting any other claim for an active  
26 drycleaning facility is responsible for the first \$5,000 of

1 eligible investigation costs and for the first \$15,000 of  
2 eligible remedial action costs incurred in connection with  
3 the release from the drycleaning facility, and is only  
4 eligible for reimbursement for costs that exceed those  
5 amounts, subject to any other limitations of this Act.

6 (2) If, by January 1, 2008, an eligible claimant  
7 submitting a claim for an inactive drycleaning facility  
8 completed site investigation and submitted to the Council a  
9 complete remedial action plan for the site, then the  
10 claimant is responsible for the first \$10,000 of eligible  
11 investigation costs and for the first \$10,000 of eligible  
12 remedial action costs incurred in connection with the  
13 release from that drycleaning facility, and is only  
14 eligible for reimbursement for costs that exceed those  
15 amounts, subject to any other limitations of this Act. Any  
16 eligible claimant submitting any other claim for an  
17 inactive drycleaning facility is responsible for the first  
18 \$15,000 of eligible investigation costs and for the first  
19 \$15,000 of eligible remedial action costs incurred in  
20 connection with the release from the drycleaning facility,  
21 and is only eligible for reimbursement for costs that  
22 exceed those amounts, subject to any other limitations of  
23 this Act.

24 (f) Claimants are subject to the following limitations on  
25 reimbursement:

26 (1) Subsequent to meeting the deductible requirements

1 of subsection (e), reimbursement shall not exceed \$300,000  
2 per active drycleaning facility and \$50,000 per inactive  
3 drycleaning facility.

4 (2) (Blank).

5 (3) (Blank).

6 (4) The Agency may require a claimant to obtain and  
7 submit 3 bids and may require specific terms and conditions  
8 in a contract subject to approval.

9 (5) The Agency may enter into a contract or an  
10 exclusive contract with the supplier of goods or services  
11 required by a claimant or class of claimants, in connection  
12 with an expense reimbursable from the Fund, for a specified  
13 good or service at a gross maximum price or fixed rate, and  
14 may limit reimbursement accordingly.

15 (6) Unless emergency conditions exist, a service  
16 provider shall obtain the Agency's approval of all  
17 remediation work to be reimbursed from the Fund and a  
18 budget for the remediation work before commencing the work.  
19 No expense incurred that is above the budgeted amount shall  
20 be paid unless the Agency approves the expense. All  
21 invoices and bills relating to the remediation work shall  
22 be submitted with appropriate documentation, as deemed  
23 necessary by the Agency.

24 (7) Neither the Council, nor the Agency, nor an  
25 eligible claimant is responsible for payment for costs  
26 incurred that have not been previously approved by the

1 Council, or Agency, unless an emergency exists.

2 (8) To be eligible for reimbursement from the Fund,  
3 costs must be within the range of usual and customary rates  
4 for similar or equivalent goods or services, incurred in  
5 performance of remediation work approved by the Agency, and  
6 necessary to respond to the release for which the claimant  
7 is seeking reimbursement from the Fund.

8 (9) If a claimant has pollution liability insurance  
9 coverage other than coverage provided by the insurance  
10 account under this Act, that coverage shall be primary.  
11 Reimbursement from the remedial account shall be limited to  
12 the deductible amounts under the primary coverage and the  
13 amount that exceeds the policy limits of the primary  
14 coverage, subject to the deductible amounts established  
15 pursuant to this Act.

16 (f-5) Costs of corrective action or indemnification  
17 incurred by a claimant which have been paid to a claimant under  
18 a policy of insurance other than the insurance provided under  
19 this Act, another written agreement, or a court order are not  
20 eligible for reimbursement. A claimant who receives payment  
21 under such a policy, written agreement, or court order shall  
22 reimburse the State to the extent such payment covers costs for  
23 which payment was received from the Fund. Any moneys received  
24 by the State under this subsection shall be deposited into the  
25 Fund.

26 (g) The source of funds for the remedial action account

1 shall be moneys allocated to the account by the Agency.

2 (h) A drycleaning facility will be classified as active or  
3 inactive for purposes of determining benefits under this  
4 Section based on the status of the facility on the date a claim  
5 is filed.

6 (i) Eligible claimants shall conduct remedial action in  
7 accordance with Title XVII of the Environmental Protection Act  
8 and rules adopted under that Act.

9 (j) Effective January 1, 2012, the owner or operator of an  
10 active drycleaning facility that has previously received or is  
11 currently receiving reimbursement for the costs of a remedial  
12 action, as defined in this Act, shall maintain continuous  
13 financial assurance for environmental liability coverage in  
14 the amount of at least \$500,000 for that facility until January  
15 1, 2030. Failure to comply with this requirement will result in  
16 the revocation of the drycleaning facility's existing license  
17 and in the inability of the drycleaning facility to obtain or  
18 renew a license under Section 60 of this Act.

19 (k) Owners ~~Effective January 1, 2020, owners~~ and operators  
20 of inactive drycleaning facilities that are eligible for  
21 reimbursement from the Fund ~~on that date~~ shall, through  
22 calendar year 2029 until January 1, 2030, pay an annual \$3,000  
23 administrative assessment each calendar year to the Agency for  
24 the facility. For calendar year 2020, the annual assessment  
25 described in this subsection (k) is due on or before October 1,  
26 2020. For each subsequent calendar year, the annual assessment

1 described in this subsection (k) is due on or before February 1  
2 of the applicable calendar year. Administrative assessments  
3 collected by the Agency under this subsection (k) shall be  
4 deposited into the Fund.

5 (Source: P.A. 101-400, eff. 7-1-20.)

6 (415 ILCS 135/60)

7 (Text of Section before amendment by P.A. 101-400)

8 (Section scheduled to be repealed on January 1, 2020;  
9 Public Act 101-400 contains language changing the repeal date  
10 of this Section from January 1, 2020 to January 1, 2030, but  
11 the repeal of this Section takes place before Public Act  
12 101-400 takes effect on July 1, 2020)

13 Sec. 60. Drycleaning facility license.

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

17 (b) The Council shall issue an initial or renewal license  
18 to a drycleaning facility on submission by an applicant of a  
19 completed form prescribed by the Council, proof of payment of  
20 the required fee to the Department of Revenue, and, if the  
21 drycleaning facility has previously received or is currently  
22 receiving reimbursement for the costs of a remedial action, as  
23 defined in this Act, proof of compliance with subsection (j) of  
24 Section 40. Beginning January 1, 2013, license renewal  
25 application forms must include a certification by the applicant

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

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

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

26 (2) \$500 for a facility that uses (i) more than 50



1 gallons but not more than 100 gallons of chlorine-based or  
2 green drycleaning solvents annually, (ii) more than 250  
3 gallons but not more 500 gallons annually of  
4 hydrocarbon-based solvents in a drycleaning machine  
5 equipped with a solvent reclaimer, or (iii) more than 500  
6 gallons but not more than 1,000 gallons annually of  
7 hydrocarbon-based drycleaning solvents in a drycleaning  
8 machine without a solvent reclaimer.

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

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

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

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

19           (7) \$1,000 for a facility that uses (i) more than 300  
20           gallons but not more than 350 gallons of chlorine-based or  
21           green drycleaning solvents annually, (ii) more than 1,500  
22           gallons but not more than 1,750 gallons annually of  
23           hydrocarbon-based solvents in a drycleaning machine  
24           equipped with a solvent reclaimer, or (iii) more than 3,000  
25           gallons but not more than 3,500 gallons annually of  
26           hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

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

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

20 (10) \$1,500 for a facility that uses (i) more than 450  
21 gallons but not more than 500 gallons of chlorine-based or  
22 green drycleaning solvents annually, (ii) more than 2,250  
23 gallons but not more than 2,500 gallons annually of  
24 hydrocarbon-based solvents used in a drycleaning machine  
25 equipped with a solvent reclaimer, or (iii) more than 4,500  
26 gallons but not more than 5,000 gallons annually of

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

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

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

21 (13) \$1,500 for a facility that uses (i) more than 600  
22 gallons of chlorine-based or green drycleaning solvents  
23 annually, (ii) more than 3,000 gallons but not more than  
24 3,250 gallons annually of hydrocarbon-based solvents in a  
25 drycleaning machine equipped with a solvent reclaimer, or  
26 (iii) more than 6,000 gallons of hydrocarbon-based

1 drycleaning solvents annually in a drycleaning machine  
2 equipped without a solvent reclaimer.

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

7 (15) \$1,500 for a facility that uses more than 3,500  
8 gallons but not more than 3,750 gallons annually of  
9 hydrocarbon-based solvents used in a drycleaning machine  
10 equipped with a solvent reclaimer.

11 (16) \$1,500 for a facility that uses more than 3,750  
12 gallons but not more than 4,000 gallons annually of  
13 hydrocarbon-based solvents in a drycleaning machine  
14 equipped with a solvent reclaimer.

15 (17) \$1,500 for a facility that uses more than 4,000  
16 gallons annually of hydrocarbon-based solvents in a  
17 drycleaning machine equipped with a solvent reclaimer.

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

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

25 (2) in the case of a renewal applicant, the quantity of  
26 drycleaning solvents actually purchased in the preceding

1 license year.

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

5 (d) A license issued under this Section shall expire one  
6 year after the date of issuance and may be renewed on  
7 reapplication to the Council and submission of proof of payment  
8 of the appropriate fee to the Department of Revenue in  
9 accordance with subsections (c) and (e). At least 30 days  
10 before payment of a renewal licensing fee is due, the Council  
11 shall attempt to:

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

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

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

26 (f) The Department of Revenue shall issue a proof of

1 payment receipt to each operator of a drycleaning facility who  
2 has paid the appropriate fee in cash or by guaranteed  
3 remittance, credit card, or business check. However, the  
4 Department of Revenue shall not issue a proof of payment  
5 receipt to a drycleaning facility that is liable to the  
6 Department of Revenue for a tax imposed under this Act. The  
7 original receipt shall be presented to the Council by the  
8 operator of a drycleaning facility.

9 (g) (Blank).

10 (h) The Council and the Department of Revenue may adopt  
11 rules as necessary to administer the licensing requirements of  
12 this Act.

13 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
14 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff.  
15 7-13-12; 97-1057, eff. 1-1-13.)

16 (Text of Section after amendment by P.A. 101-400)

17 (Section scheduled to be repealed on January 1, 2020;  
18 Public Act 101-400 contains language changing the repeal date  
19 of this Section from January 1, 2020 to January 1, 2030, but  
20 the repeal of this Section takes place before Public Act  
21 101-400 takes effect on July 1, 2020))

22 Sec. 60. Drycleaning facility license.

23 (a) No person shall operate a drycleaning facility in this  
24 State without a license issued by the Council or Agency. Until  
25 July 1, 2020, the license required under this subsection shall

1 be issued by the Council. On and after July 1, 2020, the  
2 license required under this subsection shall be issued by the  
3 Agency.

4 (b) Beginning July 1, 2020, an initial or renewal license  
5 shall be issued to a drycleaning facility on submission by an  
6 applicant of a completed form prescribed by the Agency and  
7 proof of payment of the required fee to the Department of  
8 Revenue, and, if the drycleaning facility has previously  
9 received or is currently receiving reimbursement for the costs  
10 of a remedial action, as defined in this Act, proof of  
11 compliance with subsection (j) of Section 40. The Agency shall  
12 make available on its website an electronic copy of the  
13 required license and license renewal applications. License  
14 renewal application forms must include a certification by the  
15 applicant:

16 (1) that all hazardous waste stored at the drycleaning  
17 facility is stored in accordance with all applicable  
18 federal and state laws and regulations;

19 (2) that all hazardous waste transported from the  
20 drycleaning facility is transported in accordance with all  
21 applicable federal and state laws and regulations; and

22 (3) that the applicant has successfully completed all  
23 continuing education requirements adopted by the Board  
24 pursuant to Section 12 of this ~~the Drycleaner Environmental~~  
25 ~~Response Trust Fund Act.~~

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



1           (1) \$1,500 for a facility that uses (i) 50 gallons or  
2           less of chlorine-based or green drycleaning solvents  
3           annually, (ii) 250 or less gallons annually of  
4           hydrocarbon-based drycleaning solvents in a drycleaning  
5           machine equipped with a solvent reclaimer, or (iii) 500  
6           gallons or less annually of hydrocarbon-based drycleaning  
7           solvents in a drycleaning machine without a solvent  
8           reclaimer.

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

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

1           (4) \$3,750 for a facility that uses (i) more than 150  
2 gallons but not more than 200 gallons of chlorine-based or  
3 green drycleaning solvents annually, (ii) more than 750  
4 gallons but not more than 1,000 gallons annually of  
5 hydrocarbon-based solvents in a drycleaning machine  
6 equipped with a solvent reclaimer, or (iii) more than 1,500  
7 gallons but not more than 2,000 gallons annually of  
8 hydrocarbon-based drycleaning solvents in a drycleaning  
9 machine without a solvent reclaimer.

10           (5) \$4,500 for a facility that uses (i) more than 200  
11 gallons but not more than 250 gallons of chlorine-based or  
12 green drycleaning solvents annually, (ii) more than 1,000  
13 gallons but not more than 1,250 gallons annually of  
14 hydrocarbon-based solvents in a drycleaning machine  
15 equipped with a solvent reclaimer, or (iii) more than 2,000  
16 gallons but not more than 2,500 gallons annually of  
17 hydrocarbon-based drycleaning solvents in a drycleaning  
18 machine without a solvent reclaimer.

19           (6) \$5,000 for a facility that uses (i) more than 250  
20 gallons but not more than 300 gallons of chlorine-based or  
21 green drycleaning solvents annually, (ii) more than 1,250  
22 gallons but not more than 1,500 gallons annually of  
23 hydrocarbon-based solvents in a drycleaning machine  
24 equipped with a solvent reclaimer, or (iii) more than 2,500  
25 gallons but not more than 3,000 gallons annually of  
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

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

11 (8) \$5,000 for a facility that uses (i) more than 350  
12 gallons but not more than 400 gallons of chlorine-based or  
13 green drycleaning solvents annually, (ii) more than 1,750  
14 gallons but not more than 2,000 gallons annually of  
15 hydrocarbon-based solvents in a drycleaning machine  
16 equipped with a solvent reclaimer, or (iii) more than 3,500  
17 gallons but not more than 4,000 gallons annually of  
18 hydrocarbon-based drycleaning solvents in a drycleaning  
19 machine without a solvent reclaimer.

20 (9) \$5,000 for a facility that uses (i) more than 400  
21 gallons but not more than 450 gallons of chlorine-based or  
22 green drycleaning solvents annually, (ii) more than 2,000  
23 gallons but not more than 2,250 gallons annually of  
24 hydrocarbon-based solvents in a drycleaning machine  
25 equipped with a solvent reclaimer, or (iii) more than 4,000  
26 gallons but not more than 4,500 gallons annually of

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

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

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

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

1 gallons but not more than 6,000 gallons annually of  
2 hydrocarbon-based drycleaning solvents in a drycleaning  
3 machine without a solvent reclaimer.

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

12 (14) \$5,000 for a facility that uses more than 3,250  
13 gallons but not more than 3,500 gallons annually of  
14 hydrocarbon-based solvents in a drycleaning machine  
15 equipped with a solvent reclaimer.

16 (15) \$5,000 for a facility that uses more than 3,500  
17 gallons but not more than 3,750 gallons annually of  
18 hydrocarbon-based solvents used in a drycleaning machine  
19 equipped with a solvent reclaimer.

20 (16) \$5,000 for a facility that uses more than 3,750  
21 gallons but not more than 4,000 gallons annually of  
22 hydrocarbon-based solvents in a drycleaning machine  
23 equipped with a solvent reclaimer.

24 (17) \$5,000 for a facility that uses more than 4,000  
25 gallons annually of hydrocarbon-based solvents in a  
26 drycleaning machine equipped with a solvent reclaimer.

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

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

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

11          (d) A license issued under this Section shall expire one  
12 year after the date of issuance and may be renewed on  
13 reapplication to the Agency Council and submission of proof of  
14 payment of the appropriate fee to the Department of Revenue in  
15 accordance with subsections (c) and (e).

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

26          (f) The Department of Revenue shall issue a proof of

1 payment receipt to each operator of a drycleaning facility who  
2 has paid the appropriate fee in cash or by guaranteed  
3 remittance, credit card, or business check. However, the  
4 Department of Revenue shall not issue a proof of payment  
5 receipt to a drycleaning facility that is liable to the  
6 Department of Revenue for a tax imposed under this Act. The  
7 original receipt shall be presented to the Agency Council ~~Council~~ by  
8 the operator of a drycleaning facility.

9 (g) (Blank).

10 (h) The Board and the Department of Revenue may adopt rules  
11 as necessary to administer the licensing requirements of this  
12 Act.

13 (Source: P.A. 101-400, eff. 7-1-20.)

14 Section 99. Effective date. This Act takes effect December  
15 31, 2019, except that Section 15 takes effect on July 1, 2020.