

1 AN ACT concerning safety.

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

4 Section 5. The Illinois Pesticide Act is amended by
5 changing Sections 6, 10, 11, 11.1, 12, 13, 13.3, and 19 as
6 follows:

7 (415 ILCS 60/6) (from Ch. 5, par. 806)

8 Sec. 6. Registration.

9 1. Every pesticide which is distributed, sold, offered for
10 sale within this State, delivered for transportation or
11 transported in interstate commerce or between points within
12 the State through any point outside the State, shall be
13 registered with the Director or his designated agent, subject
14 to provisions of this Act. Such registration shall be for a
15 period determined under item 1.5 of this Section and shall
16 expire on December 31st. Registration is not required if a
17 pesticide is shipped from one plant or warehouse to another
18 plant or warehouse by the same person and is used solely at
19 such plant or warehouse as a constituent part to make a
20 pesticide which is registered under provisions of this Act and
21 FIFRA.

22 1.5. In order to stagger product registrations, the
23 Department shall, for the 2011 registration year, register

1 half of the applicants and their products for one year and the
2 other half for 2 years. Thereafter, a business registration
3 and product registration shall be for 2 years.

4 2. Registration applicant shall file a statement with the
5 Director which shall include:

6 A. The name and address of the applicant and the name
7 and address of the person whose name will appear on the
8 label if different from the applicant's.

9 B. The name of the pesticide.

10 C. A copy of the labeling accompanying the pesticide
11 under customary conditions of distribution, sale and use,
12 including ingredient statement, direction for use, use
13 classification, and precautionary or warning statements.

14 3. The Director may require the submission of complete
15 formula data.

16 4. The Director may require a full description of tests
17 made and the results thereof, upon which the claims are based,
18 for any pesticide not registered pursuant to FIFRA, or on any
19 pesticide under consideration to be classified for restricted
20 use.

21 A. The Director will not consider data he required of
22 the initial registrant of a pesticide in support of
23 another applicants' registration unless the subsequent
24 applicant has obtained written permission to use such
25 data.

26 B. In the case of renewal registration, the Director

1 may accept a statement only with respect to information
2 which is different from that furnished previously.

3 5. The Director may prescribe other requirements to
4 support a pesticide registration by regulation.

5 6. For the years preceding the year 2004, any registrant
6 desiring to register a pesticide product at any time during
7 one year shall pay the annual registration fee of \$100 per
8 product registered for that applicant. For the years 2004
9 through 2010, the annual product registration fee is \$200 per
10 product. For the years 2011 through 2023 ~~and thereafter~~, the
11 product registration fee shall be \$600 per product per 2-year
12 registration period and shall be paid at the time of
13 registration. For the years 2024 and thereafter, the product
14 registration fee shall be \$800 per product per 2-year
15 registration period and shall be paid at the time of
16 registration.

17 In addition, for the years preceding the year 2004 any
18 business registering a pesticide product at any time during
19 one year shall pay the annual business registration fee of
20 \$250. For the years 2004 through 2010, the annual business
21 registration fee shall be \$400. For the years 2011 through
22 2023 ~~and thereafter~~, the business registration fee shall be
23 \$800 per 2-year registration period and shall be paid at the
24 time of registration. For the years 2024 and thereafter, the
25 business registration fee shall be \$1000 per 2-year
26 registration period and shall be paid at the time of

1 registration. Each legal entity of the business shall pay the
2 business registration fee.

3 For the years preceding the year 2004, any applicant
4 requesting an experimental use permit shall pay the annual fee
5 of \$100 per permit and all special local need pesticide
6 registration applicants shall pay an annual fee of \$100 per
7 product. For the years 2004 through 2010, the annual
8 experimental use permit fee and special local need pesticide
9 registration fee is \$200 per permit. For the years 2011 and
10 thereafter, the annual experimental use permit and special
11 local need pesticide registration fee shall be \$300 per
12 product. Subsequent SLN registrations for a pesticide already
13 registered shall be exempted from the registration fee.

14 A. All registration accepted and approved by the
15 Director shall expire on the 31st day of December in any
16 one year unless cancelled. Registration for a special
17 local need may be granted for a specific period of time
18 with the approval date and expiration date specified.

19 B. If a registration for special local need granted by
20 the Director does not receive approval of the
21 Administrator of USEPA, the registration shall expire on
22 the date of the Administrator's disapproval.

23 7. Registrations approved and accepted by the Director and
24 in effect on the 31st day of December, for which renewal
25 application is made, shall continue in full force and effect
26 until the Director notifies the registrant that the renewal

1 has been approved and accepted or the registration is denied
2 under this Act. Renewal registration forms will be provided to
3 applicants by the Director.

4 8. If the renewal of a pesticide registration is not filed
5 within 30 days of the date of expiration, a penalty late
6 registration assessment of \$100 per product shall apply in
7 addition to the regular product registration fee. The late
8 registration assessment shall not apply if the applicant
9 furnishes an affidavit certifying that no unregulated
10 pesticide was distributed or sold during the period of
11 registration. The late assessment is not a bar to prosecution
12 for doing business without proper registry.

13 9. The Director may prescribe by regulation to allow
14 pesticide use for a special local need, pursuant to FIFRA.

15 10. The Director may prescribe by regulation the
16 provisions for and requirements of registering a pesticide
17 intended for experimental use.

18 11. The Director shall not make any lack of essentiality a
19 criterion for denial of registration of any pesticide. Where 2
20 pesticides meet the requirements, one should not be registered
21 in preference to the other.

22 12. It shall be the duty of the pesticide registrant to
23 properly dispose of any pesticide the registration of which
24 has been suspended, revoked or cancelled or which is otherwise
25 not properly registered in the State.

26 (Source: P.A. 100-115, eff. 8-15-17.)

1 (415 ILCS 60/10) (from Ch. 5, par. 810)

2 Sec. 10. Commercial applicator license. No commercial
3 applicator shall use or supervise the use of any pesticide
4 without a commercial license issued by the Director. For the
5 years preceding the year 2001, the Director shall require an
6 annual fee for commercial applicator license of \$35. For the
7 years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee
8 for a commercial applicator license is \$45. For the years 2007
9 through 2017, the annual fee for a commercial applicator
10 license is \$60. For the years 2018 through 2023 ~~and~~
11 ~~thereafter~~, the fee for a multi-year commercial applicator
12 license is \$180. For the years 2024 and thereafter, the fee for
13 a multi-year commercial applicator license is \$240. The late
14 application fee for a commercial applicator license shall be
15 \$20 in addition to the normal license fee. A commercial
16 applicator shall be assessed a fee of \$10 for a duplicate
17 license.

18 1. Application for the commercial applicator license shall
19 be made in writing on designated forms available from the
20 Director. Each application shall contain information regarding
21 the applicants qualifications, nature of the proposed
22 operation, classification of license being sought, and shall
23 include the following:

24 A. The full name of the applicant.

25 B. The address of the applicant.

1 C. Any necessary information prescribed by the
2 Director on the designated application form.

3 2. An applicant for a license shall demonstrate competence
4 and knowledge regarding pesticide use in accordance with
5 Section 9 of this Act.

6 3. A licensed commercial applicator must provide to the
7 Director at the time of original licensing and must maintain
8 throughout the licensure period evidence of financial
9 responsibility protecting persons who may suffer personal
10 injury or property damage or both as a result of the pesticide
11 operation of the applicant in either of the following manners:

12 A. Evidence of responsibility may be provided in the
13 form of a surety bond for each licensed commercial
14 applicator naming the licensed commercial applicator as
15 principal of the bond. The amount of the bond shall be not
16 less than \$50,000 per year. It is permissible to provide
17 two bonds; one for \$25,000 for bodily injury liability and
18 the second for \$25,000 for property damage liability. The
19 bond or bonds shall be made payable to the Director of
20 Agriculture, State of Illinois, for the benefit of the
21 injured party and shall be conditioned upon compliance
22 with the provisions of this Act by the principal, his or
23 her officers, representatives and employees; or

24 B. Evidence of responsibility may be provided in the
25 form of a certificate of liability insurance providing
26 coverage for each licensed commercial applicator or

1 licensed entity in the amount of not less than \$50,000 per
2 person, \$100,000 per occurrence bodily injury liability
3 coverage, with an annual aggregate of not less than
4 \$500,000, and \$50,000 per occurrence property damage
5 liability, with an annual aggregate of not less than
6 \$50,000; or, in lieu thereof, a combined single limit of
7 not less than \$100,000 bodily injury and property damage
8 liability combined, with an annual aggregate of not less
9 than \$500,000.

10 4. Every insurance policy or bond shall contain a
11 provision that it will not be cancelled or reduced by the
12 principal or insurance company, except upon 30 days prior
13 notice in writing to the Director of the Department at the
14 Springfield, Illinois office and the principal insured. A
15 reduction or cancellation of policy shall not affect the
16 liability accrued or which may accrue under such policy before
17 the expiration of the 30 days. The notice shall contain the
18 termination date. Upon said reduction or cancellation, the
19 Director shall immediately notify the licensee that his or her
20 license will be suspended and the effective date until the
21 minimum bond or liability insurance requirements are met by
22 the licensee for the current license period.

23 5. Nothing in this Act shall be construed to relieve any
24 person from liability for any damage to persons or property
25 caused by use of pesticides even though such use conforms to
26 label instructions and pertinent rules and regulations of this

1 State.

2 6. The Director may renew any applicant's license in the
3 classifications for which such applicant is licensed, subject
4 to requalification requirements imposed by the Director.
5 Requalification standards shall be prescribed by regulations
6 adopted pursuant to this Act and are required to ensure that
7 the licensed commercial applicator meets the requirements of
8 changing technology and to assure a continued level of
9 competence and ability.

10 7. The Director may limit the license of an applicant to
11 allow only the use of certain pesticides in a delimited
12 geographic area, or to the use of certain application
13 techniques or equipment. If a license is not issued as applied
14 for, the Director shall inform the applicant in writing of the
15 reasons and extend an opportunity for the applicant to
16 complete the requirements for the license desired.

17 8. For the purpose of uniformity, the Director may enter
18 into agreements for accepting standards of qualification of
19 other states as a basis for licensing commercial applicators.

20 (Source: P.A. 99-540, eff. 1-1-17.)

21 (415 ILCS 60/11) (from Ch. 5, par. 811)

22 Sec. 11. Certified Pesticide Applicators. No person shall
23 use or supervise the use of pesticides classified for
24 restricted use without a license issued by the Director.
25 Persons licensed or desiring to be licensed as certified

1 pesticide applicators shall comply with the certification
2 requirements as set forth in Section 9 of this Act in order to
3 protect public health and the environment, including injury to
4 the applicator or other persons using these pesticides.

5 An applicant for certification as a private pesticide
6 applicator shall meet qualification requirements prescribed by
7 regulation. The application for certification shall be made in
8 writing to the Director, on forms available from the Director
9 or the local county agricultural extension adviser's office
10 and be accompanied by payment of a \$10 license fee in the years
11 preceding the year 2001. During the years 2001, 2002, 2003,
12 2004, 2005, and 2006, the private pesticide applicator license
13 fee shall be \$15. During the years 2007 through 2010, the
14 private pesticide applicator license fee shall be \$20. For the
15 years 2011 through 2023 ~~and thereafter~~, the private pesticide
16 applicator license fee shall be \$30. For the years 2024 and
17 thereafter, the private pesticide applicator license fee shall
18 be \$60. A private pesticide applicator shall be assessed a fee
19 of \$5 for a duplicate license. Such application shall include:

20 A. The full name of the applicant.

21 B. The mailing address of the applicant.

22 C. The documents required as evidence of competence
23 and knowledge regarding the use of pesticides.

24 Certification, as a private pesticide applicator, issued
25 by the Director shall be valid for a period prescribed by
26 regulation. The Director shall develop regulatory standards to

1 ensure that certified private pesticide applicators continue
2 to meet the requirements of a changing technology and assure a
3 continued level of competence and ability.

4 (Source: P.A. 96-1310, eff. 7-27-10.)

5 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

6 Sec. 11.1. Commercial not-for-hire license. No commercial
7 not-for-hire applicator shall use or supervise the use of any
8 pesticide without a license issued by the Director. For the
9 years 2011 through 2017, the commercial not-for-hire pesticide
10 applicator license fee shall be \$20. For the years 2018
11 through 2023 ~~and thereafter~~, the fee for a multi-year
12 commercial not-for-hire pesticide applicator license is \$60.
13 For the years 2024 and thereafter, the fee for a multi-year
14 commercial not-for-hire pesticide applicator license is \$120.

15 The late application fee for a public or commercial
16 not-for-hire applicator license shall be \$20 in addition to
17 the normal license fees. A commercial not-for-hire applicator
18 shall be assessed a fee of \$10 for a duplicate license.

19 1. Application for certification as a commercial
20 not-for-hire pesticide applicator shall be made in writing on
21 designated forms available from the Director. Each application
22 shall contain information regarding the qualifications of the
23 applicant, classification of certification being sought, and
24 shall include the following:

25 A. The full name of the applicant.

1 Sec. 12. Licensed operator. No pesticide operator shall
2 use any pesticides without a pesticide operator license issued
3 by the Director.

4 1. Application for an operator license shall be made in
5 writing on designated forms available from the Director. Each
6 application shall contain information regarding the nature of
7 applicants pesticide use, his qualifications, and such other
8 facts as prescribed on the form. The application shall also
9 include the following:

10 A. The full name of applicant.

11 B. The address of the applicant.

12 C. The name of and license/certification number of the
13 pesticide applicator under whom the applicant will work.

14 2. The Director shall not issue a pesticide operator
15 license until the individual identified has demonstrated his
16 competence and knowledge regarding pesticide use in accordance
17 with Section 9 of this Act.

18 3. The Director shall not issue an operator license to any
19 person who is unable to provide the name and
20 license/certification number of an applicator under whom the
21 operator will work.

22 4. For the years preceding the year 2001, a licensed
23 commercial operator working for or under the supervision of a
24 certified licensed commercial pesticide applicator shall pay
25 an annual fee of \$25. For the years 2001, 2002, and 2003, the
26 annual fee for a commercial operator license is \$30. For the

1 years 2004, 2005, and 2006, the annual fee for a commercial
2 operator license is \$35. For the years 2007 through 2017, the
3 annual fee for a commercial operator license is \$40. For the
4 years 2018 through 2023 ~~and thereafter~~, the fee for a
5 multi-year commercial operator license is \$120. For the years
6 2024 and thereafter, the fee for a multi-year commercial
7 operator license is \$180. The late application fee for an
8 operator license shall be \$20 in addition to the normal
9 license fee. A licensed operator shall be assessed a fee of \$10
10 for a duplicate license.

11 5. For the years 2011 through 2017, the commercial
12 not-for-hire pesticide operator license fee shall be \$15. For
13 the years 2018 through 2023 ~~and thereafter~~, the fee for a
14 multi-year commercial not-for-hire pesticide operator license
15 is \$45. For the years 2024 and thereafter, the fee for a
16 multi-year commercial not-for-hire pesticide operator license
17 is \$90. The late application fee for a commercial not-for-hire
18 operator license shall be \$20 in addition to the normal
19 license fee. A commercial not-for-hire operator shall be
20 assessed a fee of \$10 for a duplicate license.

21 (Source: P.A. 99-540, eff. 1-1-17; 100-115, eff. 8-15-17.)

22 (415 ILCS 60/13) (from Ch. 5, par. 813)

23 Sec. 13. Pesticide dealers. Any pesticide dealer who sells
24 Restricted Use pesticides shall be registered with the
25 Department on forms provided by the Director. Beginning July

1 1, 2005, any pesticide dealer that sells non-restricted use
2 pesticides for use in the production of an agricultural
3 commodity in containers with a capacity of 2.5 gallons or
4 greater or 10 pounds or greater must also register with the
5 Department on forms provided by the Director. Through 2017,
6 registration shall consist of passing a required examination
7 and payment of a \$100 registration fee. For the years 2018
8 through 2023 and thereafter, the pesticide dealer registration
9 fee for a multi-year registration period is \$300. For the
10 years 2024 and thereafter, the pesticide dealer registration
11 fee for a multi-year registration period is \$350. The late
12 application fee for a pesticide dealer registration shall be
13 \$20 in addition to the normal pesticide dealer registration
14 fee. A pesticide dealer shall be assessed a fee of \$10 for a
15 duplicate registration.

16 Dealers who hold a Structural Pest Control license with
17 the Illinois Department of Public Health or a Commercial
18 Applicator's license with the Illinois Department of
19 Agriculture are exempt from the registration fee but must
20 register with the Department.

21 Each place of business which sells restricted use
22 pesticides or non-restricted pesticides for use in the
23 production of an agricultural commodity in containers with a
24 capacity of 2.5 gallons or greater or 10 pounds or greater
25 shall be considered a separate entity for the purpose of
26 registration.

1 Registration as a pesticide dealer shall expire on
2 December 31 of the year in which it is to expire. Pesticide
3 dealers shall be certified in accordance with Section 9 of
4 this Act.

5 The Director may prescribe, by rule, requirements for the
6 registration and testing of any pesticide dealer selling other
7 than restricted use pesticides and such rules shall include
8 the establishment of a registration fee in an amount not to
9 exceed the pesticide dealer registration fee.

10 The Department may refuse to issue or may suspend the
11 registration of any person who fails to file a return, or to
12 pay the tax, penalty, or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirements of
16 any such tax Act are satisfied.

17 (Source: P.A. 99-540, eff. 1-1-17.)

18 (415 ILCS 60/13.3)

19 Sec. 13.3. Agrichemical facility containment permits. An
20 agrichemical containment permit issued by the Department shall
21 be obtained for each existing and new agrichemical facility
22 and non-commercial agrichemical facility as defined by rules
23 promulgated by the Department. A permit fee of \$250 ~~\$100~~ shall
24 be submitted to the Department with each permit application or
25 permit renewal application. All moneys collected under this

1 Section must be deposited into the Pesticide Control Fund.

2 (Source: P.A. 96-1310, eff. 7-27-10.)

3 (415 ILCS 60/19) (from Ch. 5, par. 819)

4 Sec. 19. Interagency Committee on Pesticides. The Director
5 is authorized to create an interagency committee on
6 pesticides. Its purpose is to study and advise on the use of
7 pesticides on State property. Also, its purpose is to advise
8 any State agency in connection with quarantine programs or the
9 protection of the public health and welfare, and to recommend
10 needed legislation concerning pesticides.

11 1. An interagency committee on pesticides shall consist
12 of: (1) the Director of the Department of Agriculture, (2) the
13 Director of Natural Resources, (3) the Director of the
14 Environmental Protection Agency, (4) the Director of the
15 Department of Public Health, (5) the Secretary of the
16 Department of Transportation, (6) the President of the
17 University of Illinois or his or her designee representing the
18 State Natural History Survey and (7) the Dean of the College of
19 Agriculture, University of Illinois. Each member of the
20 committee may designate some person in his department to serve
21 on the committee in his stead. Other State agencies may, at the
22 discretion of the Director, be asked to serve on the
23 interagency committee on pesticides. The Director of the
24 Department of Agriculture shall be chairman of this committee.

25 2. The interagency committee shall: (1) Review the current

1 status of the sales and use of pesticides within the State of
2 Illinois. (2) Review pesticide programs to be sponsored or
3 directed by a governmental agency. (3) Consider the problems
4 arising from pesticide use with particular emphasis on the
5 possible adverse effects on human health, livestock, crops,
6 fish, and wildlife, business, industry, agriculture, or the
7 general public. (4) Recommend legislation to the Governor, if
8 appropriate, which will prohibit the irresponsible use of
9 pesticides. (5) Review rules and regulations pertaining to the
10 regulation or prohibition of the sale, use or application of
11 pesticides and labeling of pesticides for approval prior to
12 promulgation and adoption. (6) Contact various experts and lay
13 groups, such as the Illinois Pesticide Control Committee, to
14 obtain their views and cooperation. (7) Advise on and approve
15 of all programs involving the use of pesticides on State owned
16 property, state controlled property, or administered by State
17 agencies. (8) Examine, with the assistance of the Department
18 of Agriculture, the possibility of using continuing education
19 courses to satisfy pesticide applicator competency
20 requirements required for existing licensees. This shall not
21 be construed to include research programs, or the generally
22 accepted and approved practices essential to good farm and
23 institutional management on the premises of the various State
24 facilities.

25 3. Members of this committee shall receive no compensation
26 for their services as members of this committee other than

1 that provided by law for their respective positions with the
2 State of Illinois. All necessary expenses for travel of the
3 committee members shall be paid out of regular appropriations
4 of their respective agencies.

5 4. The committee shall meet at least once each quarter of
6 the calendar year, and may hold additional meetings upon the
7 call of the chairman. Four members shall constitute a quorum.

8 5. The committee shall make a detailed report of its
9 findings and recommendations to the Governor of Illinois prior
10 to each General Assembly Session.

11 6. The Interagency Committee on Pesticides shall, at a
12 minimum, annually, during the spring, conduct a statewide
13 public education campaign and agriculture chemical safety
14 campaign to inform the public about pesticide products, uses
15 and safe disposal techniques. A toll-free hot line number
16 shall be made available for the public to report misuse cases.

17 The Committee shall include in its educational program
18 information and advice about the effects of various pesticides
19 and application techniques upon the groundwater and drinking
20 water of the State.

21 7. The Interagency Committee on Pesticides shall conduct a
22 special study of the effects of chemigation and other
23 agricultural applications of pesticides upon the groundwater
24 of this State. The results of such study shall be reported to
25 the General Assembly by March 1, 1989. The members of the
26 Committee may utilize the technical and clerical resources of

1 their respective departments and agencies as necessary or
2 useful in the conduct of the study.

3 8. In consultation with the Interagency Committee, the
4 Department shall develop, and the Interagency Committee shall
5 approve, procedures, methods, and guidelines for addressing
6 agrichemical pesticide contamination at agrichemical
7 facilities in Illinois. In developing those procedures,
8 methods, and guidelines, the following shall be considered and
9 addressed: (1) an evaluation and assessment of site conditions
10 and operational practices at agrichemical facilities where
11 agricultural pesticides are handled; (2) what constitutes
12 pesticide contamination; (3) cost effective procedures for
13 site assessments and technologies for remedial action; and (4)
14 achievement of adequate protection of public health and the
15 environment from such actual or potential hazards. In
16 consultation with the Interagency Committee, the Department
17 shall develop, and the Interagency Committee shall approve,
18 guidelines and recommendations regarding long term financial
19 resources which may be necessary to remediate pesticide
20 contamination at agrichemical facilities in Illinois. The
21 Department, in consultation with the Interagency Committee,
22 shall present a report on those guidelines and recommendations
23 to the Governor and the General Assembly on or before January
24 1, 1993. The Department and the Interagency Committee shall
25 consult with the Illinois Pesticide Control Committee and
26 other appropriate parties during this development process.

1 9. As part of the consideration of cost effective
2 technologies pursuant to subsection 8 of this Section, the
3 Department may, upon request, provide a written authorization
4 to the owner or operator of an agrichemical facility for land
5 application of agrichemical contaminated soils at agronomic
6 rates. As used in this Section, "agrichemical" means
7 pesticides or commercial fertilizers, at an agrichemical
8 facility, in transit from an agrichemical facility to the
9 field of application, or at the field of application. The
10 written authorization may also provide for use of groundwater
11 contaminated by the release of an agrichemical, provided that
12 the groundwater is not also contaminated due to the release of
13 a petroleum product or hazardous substance other than an
14 agrichemical. The uses of agrichemical contaminated
15 groundwater authorized by the Department shall be limited to
16 supervised application or irrigation onto farmland and
17 blending as make-up water in the preparation of agrichemical
18 spray solutions that are to be applied to farmland. In either
19 case, the use of the agrichemical contaminated water shall not
20 cause (i) the total annual application amounts of a pesticide
21 to exceed the respective pesticide label application rate on
22 any authorized sites or (ii) the total annual application
23 amounts of a fertilizer to exceed the generally accepted
24 annual application rate on any authorized sites. All
25 authorizations shall prescribe appropriate operational control
26 practices to protect the site of application and shall

1 identify each site or sites where land application or
2 irrigation take place. Where agrichemical contaminated
3 groundwater is used on farmland, the prescribed practices
4 shall be designed to prevent off-site runoff or conveyance
5 through underground tile systems. The Department shall
6 periodically advise the Interagency Committee regarding the
7 issuance of such authorizations and the status of compliance
8 at the application sites.

9 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

10 Section 10. The Lawn Care Products Application and Notice
11 Act is amended by changing Section 5 as follows:

12 (415 ILCS 65/5) (from Ch. 5, par. 855)

13 Sec. 5. Containment of spills, wash water, and rinsate
14 collection.

15 (a) No loading of lawn care products for distribution to a
16 customer or washing or rinsing of pesticide residues from
17 vehicles, application equipment, mixing equipment, floors or
18 other items used for the storage, handling, preparation for
19 use, transport, or application of pesticides to lawns shall be
20 performed at a facility except in designated containment areas
21 in accordance with the requirements of this Section. A lawn
22 care containment permit, issued by the Department, shall be
23 obtained prior to the operation of the containment area. The
24 Department shall issue a lawn care containment permit when the

1 containment area or facility complies with the provisions of
2 this Section and the rules and regulations adopted under
3 Sections 5 and 6. A permit fee of \$250 ~~\$100~~ shall be submitted
4 to the Department with each permit application or permit
5 renewal application. All moneys collected pursuant to this
6 Section shall be deposited into the Pesticide Control Fund.

7 (b) No later than January 1, 1993, containment areas shall
8 be in use in any facility as defined in this Act and no wash
9 water or rinsates may be released into the environment except
10 in accordance with applicable law. Containment areas shall
11 include the following requirements:

12 (1) The containment area shall be constructed of
13 concrete, asphalt or other impervious materials which
14 include, but are not limited to, polyethylene containment
15 pans and synthetic membrane liners. All containment area
16 materials shall be compatible with the lawncare products
17 to be contained.

18 (2) The containment area shall be designed to capture
19 spills, washwaters, and rinsates generated in the loading
20 of application devices, the lawncare product-related
21 servicing of vehicles, and the triple rinsing of pesticide
22 containers and to prevent the release of such spills,
23 washwaters, or rinsates to the environment other than as
24 described in paragraph (3) of this subsection (b).

25 (3) Spills, washwaters, and rinsates captured in the
26 containment area may be used in accordance with the label

1 rates of the lawncare products, reused as makeup water for
2 dilution of pesticides in preparation of application, or
3 disposed in accordance with applicable local, State and
4 federal regulations.

5 (c) The requirements of this Section shall not apply to
6 situations constituting an emergency where washing or rinsing
7 of pesticide residues from equipment or other items is
8 necessary to prevent imminent harm to human health or the
9 environment.

10 (d) The requirements of this Section shall not apply to
11 persons subject to the containment requirements of the
12 Illinois Pesticide Act or the Illinois Fertilizer Act of 1961
13 and any rules or regulations adopted thereunder.

14 (Source: P.A. 96-1310, eff. 7-27-10.)