

1 AN ACT concerning the environment.

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

4 Section 5. The Drycleaner Environmental Response Trust  
5 Fund Act is amended by changing Sections 5, 60, and 65 as  
6 follows:

7 (415 ILCS 135/5)

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

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

12 (b) "Agency" means the Illinois Environmental Protection  
13 Agency.

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

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

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

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

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

27 (2) industrial laundry, commercial laundry, or  
28 linen supply facility;

29 (3) prison or other penal institution that engages  
30 in drycleaning only as part of a Correctional Industries  
31 program to provide drycleaning to persons who are

1 incarcerated in a prison or penal institution or to  
2 resident patients of a State-operated mental health  
3 facility;

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

6 (5) facility located or formerly located on federal  
7 or State property.

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

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

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

27 (i-5) "Green solvent" or "green drycleaning solvent"  
28 includes Rynex, GreenEarth, and CO2 and C10-C13 isoparaffin  
29 hydrocarbon solvents (including EcoSolv and DF2000).

30 (j) "Groundwater" means underground water that occurs  
31 within the saturated zone and geologic materials where the  
32 fluid pressure in the pore space is equal to or greater than  
33 the atmospheric pressure.

34 (k) "Inactive drycleaning facility" means a drycleaning

1 facility that is not being used for drycleaning operations  
2 and is not registered under this Act.

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

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

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

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

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

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

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

3 (s) "Release" means any spilling, leaking, emitting,  
4 discharging, escaping, leaching, or dispersing of drycleaning  
5 solvents from a drycleaning facility to groundwater, surface  
6 water, or subsurface soils.

7 (t) "Remedial action" means activities taken to comply  
8 with Sections 58.6 and 58.7 of the Environmental Protection  
9 Act and rules adopted by the Pollution Control Board under  
10 those Sections.

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

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

22 (w) "Virgin facility" means a drycleaning facility that  
23 has never had chlorine-based or petroleum-based drycleaning  
24 solvents stored or used at the property prior to it becoming  
25 a green solvent drycleaning facility.

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

27 (415 ILCS 135/60)

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

29 Sec. 60. Drycleaning facility license.

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

33 (b) The Council shall issue an initial or renewal

1 license to a drycleaning facility on submission by an  
2 applicant of a completed form prescribed by the Council and  
3 proof of payment of the required fee to the Department of  
4 Revenue.

5 (c) Except as provided in subsection (c-1), on or after  
6 January 1, 2004, the annual fees for licensure are as  
7 follows:

8 (1) \$500 for a facility that uses (i) 50 gallons or  
9 less of chlorine-based or green drycleaning solvents  
10 annually, (ii) 250 or less gallons annually of  
11 hydrocarbon-based drycleaning solvents in a drycleaning  
12 machine equipped with a solvent reclaimer, or (iii) 500  
13 gallons or less annually of hydrocarbon-based drycleaning  
14 solvents in a drycleaning machine without a solvent  
15 reclaimer.

16 (2) \$500 for a facility that uses (i) more than 50  
17 gallons but not more than 100 gallons of chlorine-based  
18 or green drycleaning solvents annually, (ii) more than  
19 250 gallons but not more 500 gallons annually of  
20 hydrocarbon-based solvents in a drycleaning machine  
21 equipped with a solvent reclaimer, or (iii) more than 500  
22 gallons but not more than 1,000 gallons annually of  
23 hydrocarbon-based drycleaning solvents in a drycleaning  
24 machine without a solvent reclaimer.

25 (3) \$500 for a facility that uses (i) more than 100  
26 gallons but not more than 150 gallons of chlorine-based  
27 or green drycleaning solvents annually, (ii) more than  
28 500 gallons but not more than 750 gallons annually of  
29 hydrocarbon-based solvents in a drycleaning machine  
30 equipped with a solvent reclaimer, or (iii) more than  
31 1,000 gallons but not more than 1,500 gallons annually of  
32 hydrocarbon-based drycleaning solvents in a drycleaning  
33 machine without a solvent reclaimer.

34 (4) \$1,000 for a facility that uses (i) more than

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

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

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

30 (7) \$1,000 for a facility that uses (i) more than  
31 300 gallons but not more than 350 gallons of  
32 chlorine-based or green drycleaning solvents annually,  
33 (ii) more than 1,500 gallons but not more than 1,750  
34 gallons annually of hydrocarbon-based solvents in a

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

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

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

26 (10) \$1,500 for a facility that uses (i) more than  
27 450 gallons but not more than 500 gallons of  
28 chlorine-based or green drycleaning solvents annually,  
29 (ii) more than 2,250 gallons but not more than 2,500  
30 gallons annually of hydrocarbon-based solvents used in a  
31 drycleaning machine equipped with a solvent reclaimer, or  
32 (iii) more than 4,500 gallons but not more than 5,000  
33 gallons annually of hydrocarbon-based drycleaning  
34 solvents in a drycleaning machine without a solvent

1 reclaimer.

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

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

22 (13) \$1,500 for a facility that uses (i) more than  
23 600 gallons of chlorine-based or green drycleaning  
24 solvents annually, (ii) more than 3,000 gallons but not  
25 more than 3,250 gallons annually of hydrocarbon-based  
26 solvents in a drycleaning machine equipped with a solvent  
27 reclaimer, or (iii) more than 6,000 gallons of  
28 hydrocarbon-based drycleaning solvents annually in a  
29 drycleaning machine equipped without a solvent reclaimer.

30 (14) \$1,500 for a facility that uses more than  
31 3,250 gallons but not more than 3,500 gallons annually of  
32 hydrocarbon-based solvents in a drycleaning machine  
33 equipped with a solvent reclaimer.

34 (15) \$1,500 for a facility that uses more than



1 3,500 gallons but not more than 3,750 gallons annually of  
2 hydrocarbon-based solvents used in a drycleaning machine  
3 equipped with a solvent reclaimer.

4 (16) \$1,500 for a facility that uses more than  
5 3,750 gallons but not more than 4,000 gallons annually of  
6 hydrocarbon-based solvents in a drycleaning machine  
7 equipped with a solvent reclaimer.

8 (17) \$1,500 for a facility that uses more than  
9 4,000 gallons annually of hydrocarbon-based solvents in a  
10 drycleaning machine equipped with a solvent reclaimer.

11 For purpose of this subsection, the quantity of  
12 drycleaning solvents used annually shall be determined as  
13 follows:

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

19 (2) in the case of a renewal applicant, the  
20 quantity of drycleaning solvents actually used in the  
21 preceding license year.

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

25 (c-1) On and after January 1, 2004, the annual fees for  
26 licensure of (i) a virgin facility that uses 100% green  
27 drycleaning solvents, (ii) a facility if a No Further  
28 Remediation Letter has been issued for the site, a claim has  
29 not be made against the Drycleaner Environmental Response  
30 Trust Fund with respect to the site, the owner of the  
31 facility has signed a binding declaration that no claim will  
32 be made against the Fund with respect to the site, and the  
33 facility is using or, prior to the beginning of the annual  
34 licensure period, will convert to using 100% green

1 drycleaning solvents, and (iii) a former perchloroethylene or  
2 petroleum drycleaning facility if a claim has not been made  
3 against the Fund with respect to the site, the owner of the  
4 facility has signed a binding declaration that no claim will  
5 be made against the Fund with respect to the site, the owner  
6 of the facility has private insurance or is self-insured with  
7 respect to the facility, and the facility is using or, prior  
8 to the beginning of the annual licensure period, will convert  
9 to using 100% green drycleaning solvents, are as follows:

10 (1) \$500 for a facility that purchases 140 gallons  
11 or less of green drycleaning solvents annually.

12 (2) \$1,000 for a facility that purchases more than  
13 140 gallons but less than 360 gallons of green  
14 drycleaning solvents annually.

15 (3) \$1,500 for a facility that purchases 360  
16 gallons or more of green drycleaning solvents annually.

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

24 (1) notify the operator of each licensed  
25 drycleaning facility concerning the requirements of this  
26 Section; and

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

29 (e) An operator of a drycleaning facility shall submit  
30 the appropriate application form provided by the Council with  
31 the license fee in the form of cash or guaranteed remittance  
32 to the Department of Revenue. The license fee payment form  
33 and the actual license fee payment shall be administered by  
34 the Department of Revenue under rules adopted by that

1 Department.

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

10 (g) An operator of a dry cleaning facility who is  
11 required to pay a license fee under this Act and fails to pay  
12 the license fee when the fee is due may be assessed a penalty  
13 of \$5 for each day after the license fee is due and until the  
14 license fee is paid. The penalty shall be effective for  
15 license fees due on or after July 1, 1999.

16 (h) The Council and the Department of Revenue may adopt  
17 rules as necessary to administer the licensing requirements  
18 of this Act.

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

20 (415 ILCS 135/65)

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

22 Sec. 65. Drycleaning solvent tax.

23 (a) On and after January 1, 1998, a tax is imposed upon  
24 the use of drycleaning solvent by a person engaged in the  
25 business of operating a drycleaning facility in this State at  
26 the rate of \$3.50 per gallon of perchloroethylene or other  
27 chlorinated drycleaning solvents used in drycleaning  
28 operations, and \$0.35 per gallon of petroleum-based  
29 ~~drycleaning solvent, and \$1.75 per gallon of green solvents,~~  
30 ~~unless the green solvent is used at a virgin facility, in~~  
31 ~~which case the rate is \$0.35 per gallon.~~ On and after  
32 January 1, 2004, no tax is imposed with respect to the use of  
33 green solvents. The Council shall determine by rule which

1 products are chlorine-based solvents, which products are  
2 petroleum-based solvents, and which products are green  
3 solvents. All drycleaning solvents shall be considered  
4 chlorinated solvents unless the Council determines that the  
5 solvents are petroleum-based drycleaning solvents or green  
6 solvents.

7 (b) The tax imposed by this Act shall be collected from  
8 the purchaser at the time of sale by a seller of drycleaning  
9 solvents maintaining a place of business in this State and  
10 shall be remitted to the Department of Revenue under the  
11 provisions of this Act.

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

16 (d) No tax shall be imposed upon the use of drycleaning  
17 solvent if the drycleaning solvent will not be used in a  
18 drycleaning facility or if a floor stock tax has been imposed  
19 and paid on the drycleaning solvent. Prior to the purchase  
20 of the solvent, the purchaser shall provide a written and  
21 signed certificate to the drycleaning solvent seller stating:

- 22 (1) the name and address of the purchaser;
- 23 (2) the purchaser's signature and date of signing;
- 24 and

- 25 (3) one of the following:
  - 26 (A) that the drycleaning solvent will not be
  - 27 used in a drycleaning facility; or
  - 28 (B) that a floor stock tax has been imposed
  - 29 and paid on the drycleaning solvent.

30 A person who provides a false certification under this  
31 subsection shall be liable for a civil penalty not to exceed  
32 \$500 for a first violation and a civil penalty not to exceed  
33 \$5,000 for a second or subsequent violation.

34 (e) On January 1, 1998, there is imposed on each

1 operator of a drycleaning facility a tax on drycleaning  
2 solvent held by the operator on that date for use in a  
3 drycleaning facility. The tax imposed shall be the tax that  
4 would have been imposed under subsection (a) if the  
5 drycleaning solvent held by the operator on that date had  
6 been purchased by the operator during the first year of this  
7 Act.

8 (f) On or before the 25th day of the 1st month following  
9 the end of the calendar quarter, a seller of drycleaning  
10 solvents who has collected a tax pursuant to this Section  
11 during the previous calendar quarter, or a purchaser or end  
12 user of drycleaning solvents required under subsection (c) to  
13 submit the tax directly to the Department, shall file a  
14 return with the Department of Revenue. The return shall be  
15 filed on a form prescribed by the Department of Revenue and  
16 shall contain information that the Department of Revenue  
17 reasonably requires, but at a minimum will require the  
18 reporting of the volume of drycleaning solvent sold to each  
19 licensed drycleaner. The Department of Revenue shall report  
20 quarterly to the Council the volume of drycleaning solvent  
21 purchased for the quarter by each licensed drycleaner. Each  
22 seller of drycleaning solvent maintaining a place of business  
23 in this State who is required or authorized to collect the  
24 tax imposed by this Act shall pay to the Department the  
25 amount of the tax at the time when he or she is required to  
26 file his or her return for the period during which the tax  
27 was collected. Purchasers or end users remitting the tax  
28 directly to the Department under subsection (c) shall file a  
29 return with the Department of Revenue and pay the tax so  
30 incurred by the purchaser or end user during the preceding  
31 calendar quarter.

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

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

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

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

11           Section 99. Effective date. This Act takes effect on  
12 January 1, 2004.