**Section 1500.30 Drycleaning Facility License**

a) *On and after January 1, 1998,* every active drycleaning facility must obtain a license from the Council. *No person shall operate a drycleaning facility in this State without a license issued by the Council* for that facility. (Section 60(a) of the Act)

b) The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue by submittal of the DS-3 Form (prescribed by the Department of Revenue) *and, if the drycleaning facility has previously received or is currently receiving reimbursement for the costs of remedial action, as defined in the Act, proof of compliance with* Section 1500.40(j) (Section 60(b) of the Act) subject to the following:

1) The annual license period is January 1 through December 31.

2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.

3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.

4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.

5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.

6) License fees are non-refundable.

7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.

8) Submittal of current environmental liability financial assurance policy, including the declaration sheet, reflecting, at a minimum, $500,000 of coverage on the active drycleaning facility. Active drycleaning facilities using the Council's financial assurance policy, as defined in Section 1500.50, to meet this requirement do not need to submit a copy of their financial assurance policy.

c) *On or after January 1,* 2007, *the* *required annual fee for a license is as follows:*

1) $1,500 *for a facility that uses:*

A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*

B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(1) of the Act)

2) $2,250 *for a facility that uses:*

A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(2) of the Act)

3) $3,000 *for a facility that uses:*

A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(3) of the Act)

4) $3,750 *for a facility that uses:*

A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(4) of the Act)

5) $4,500 *for a facility that uses:*

A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(5) of the Act)

6) $5,000 *for a facility that uses:*

A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(6) of the Act)

7) $5,000 *for a facility that uses:*

A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(7) of the Act)

8) $5,000 *for a facility that uses:*

A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(8) of the Act)

9) $5,000 *for a facility that uses:*

A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(9) of the Act)

10) $5,000 *for a facility that uses:*

A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.*  (Section 60(c)(10) of the Act)

11) $5,000 *for a facility that uses:*

A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(11) of the Act)

12) $5,000 *for a facility that uses:*

A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(12) of the Act)

13) $5,000 *for a facility that uses:*

A) *more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*

B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer.* (Section 60(c)(13) of the Act)

14) $5,000 *for a facility that uses:*

A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer.* (Section 60(c)(14) of the Act)

B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(15) of the Act)

C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(16) of the Act)

15) $5,000 *for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.* (Section 60(c)(17) of the Act)

16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.

B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.

C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.

D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.

d) *For purposes of this* Section, *the quantity of drycleaning solvents used annually shall be determined as follows:*

1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this* subsection (d)(1) *is subject to audited adjustment for that year.*

2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually purchased in the preceding license year.* (Section 60(c) of the Act)

3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:

A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities not using a drycleaning machine equipped with a solvent reclaimer.

B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.

4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.

e) *The Council may adjust licensing fees annually based on* the change in *the published Consumer Price Index − All Urban Consumers,* U.S. city average, all items *(CPI-U)* for the 12 months preceding the month the Council adjusts the licensing fee *or as otherwise determined by the Council.* (Section 60(c) of the Act)

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

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

2) *submit a license fee payment form to the licensed operator of each drycleaning facility.* (Section 60(d) of the Act)

g) *Any person who violates* Section 60(a) *of* the *Act by failing to pay the license fee when due may be assessed a civil penalty of $5 per day for each day after the license fee is due and until the license fee is paid. The penalty shall be effective for license fees due on or after July 1, 1999 and before June 30, 2011. For license fees due on or after July 1, 2011, any person who violates Section 60 (a) of the Act by failing to pay the license fee when due may be assessed a civil penalty, beginning on the 31st day after the license fee is due, in the following amounts: beginning on the 31st day after the license fee is due and until the 60th day after which the license fee is due, $3 for each day during which the license fee is not paid, and, beginning on the 61st day after the license fee is due and until the license fee is paid, $5 for each day during which the license fee is not paid.* (Section 69(b)(1) of the Act) Penalties totaling $1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:

1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;

2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or

3) Other reasonable factors.

h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.

i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain a license from the Council for a minimum of 3 years from the date of initial or renewal licensure. These records include the application, licensing fee payment documentation, solvent invoices, solvent logs, ownership information, late fee payments and any other information that may have been needed to issue and renew the license.

(Source: Amended at 36 Ill. Reg. 18521, effective December 13, 2012)