

THE ILLINOIS POLLUTION CONTROL BOARD

March 18, 2021

IN THE MATTER OF:)
)
 DRYCLEANER ENVIRONMENTAL)
 RESPONSE TRUST FUND ACT)
 PROPOSAL TO:)
 ADD 35 ILL. ADM. CODE PARTS) R21-19
 1501.100 TO 1501.450,) (Rulemaking – Land)
 REPEAL 35 ILL. ADM. CODE PARTS)
 1500.10 THROUGH 1500.70, AND)
 REPEAL 2 ILL. ADM. CODE PARTS)
 3100.10 THROUGH 3100.60)

ORDER OF THE BOARD (by J. Van Wie):

On February 9, 2021, the Illinois Environmental Protection Agency (IEPA) proposed that the Board add Parts 1501.100 through 1501.450 to its rules, and repeal 35 Ill. Admin. Code Parts 1500.10 through 1500.70 and 2 Ill. Admin. Code Parts 3100.10 through 3100.60. *See* 35 Ill. Admin. Code 1501, 35 Ill. Admin. Code 1500, and 2 Ill. Admin. Code 3100.

On August 19, 1997, Public Act 90-502 signed into law the Drycleaner Environmental Response Trust Fund Act (“DERT Fund Act”), creating the Drycleaner Environmental Response Trust Fund (“DERT Fund”) and establishing the Drycleaner Environmental Response Trust Fund Council (“Council”). *See* 415 ILCS 135/5. The DERT Fund Act prohibits a drycleaning facility in the State from operating without a license. On January 1, 2000, the Council adopted rules implementing the DERT Fund Act at 35 Ill. Adm. Code Part 1500.

The DERT Fund Act was amended in 2019. This amendment, as of July 1, 2020, shifted the responsibility for providing oversight and implementation of the DERT Fund Act and administration of the DERT Fund from the Council to IEPA. The proposed rules codify this change, repealing 35 Ill. Adm. Code Part 1500 in its entirety, and proposing the simultaneous adoption of a new 35 Ill. Adm. Code Part 1501, which will incorporate IEPA’s authorities and clarify its duties and responsibilities under the DERT Fund Act. IEPA also proposes to repeal the Freedom of Information Act rules adopted by the Council and set forth within 2 Ill. Adm. Code Part 3100 because the Board and Illinois EPA already have such rules in place. *See* 2 Ill. Adm. Code 1825, 1828, and 2175.

The Board finds that IEPA’s proposal satisfies the content requirements (35 Ill. Adm. Code 102.202) and accepts the proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act and the Board’s procedural rules (415 ICLS 5/27, 28 (2016); 35 Ill. Adm. Code 102). After conducting hearings on IEPA’s proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 18, 2021, by a vote of 4-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board