

Board Accepts for Hearing a Rulemaking Proposal to Implement the Drycleaner Environmental Response Trust Fund Act

On March 18, 2021, the Board issued an order accepting for hearing a rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA). The proposal would implement 2019 amendments to the Drycleaner Environmental Response Trust Fund Act or “DERT Fund Act” (415 ILCS 135). Those amendments (P.A. 101-400) transferred responsibilities from the Drycleaner Environmental Response Trust Fund Council (Council) to IEPA.

Specifically, as of July 1, 2020, responsibility for implementing the DERT Fund Act and administering the DERT Fund shifted from the Council to IEPA. As IEPA explained in its rulemaking proposal, the now-abolished Council was responsible for licensing drycleaning facilities and overseeing environmental insurance coverage and remedial claim reimbursement from the DERT Fund. With the former Council’s functions transferred to IEPA, this proposal would add a new Part 1501 to the Board’s regulations (35 Ill. Adm. Code 1501). The proposal would also repeal Part 1500 of the former Council’s regulations (35 Ill. Adm. Code 1500) and Part 3100 of its administrative rules (2 Ill. Adm. Code 3100).

This rulemaking is captioned Drycleaner Environmental Response Trust Fund Act Proposal to Add 35 Ill. Adm. Code Part 1501, Repeal 35 Ill. Adm. Code Part 1500, and Repeal 2 Ill. Adm. Code Part 3100, docket R21-19. Here is a link to the Board’s [order](#). For more information, please contact Mark Kaminski at 312-814-3886 or mark.kaminski@illinois.gov.