ILLINOIS POLLUTION CONTROL BOARD
November 5, 2026

IN THE MATTER OF:	)	
	)	
DRYCLEANER ENVIRONMENTAL	)	
RESPONSE TRUST FUND ACT	)	R21-19(A)
PROPOSAL TO ADD 35 ILL. ADM. CODE	)	(Rulemaking – Land)
PART 1501, REPEAL 35 ILL. ADM. CODE	)	
PART 1500, AND REPEAL 2 ILL. ADM.	)	
CODE PART 3100	)	

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

On January 5, 2023, the Board adopted rules implementing the 2019 amendments to the Drycleaner Environmental Response Trust Fund Act (DERT Fund Act) (415 ILCS 135 (2024)). *See* 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, R21-19, (January 5, 2023); *see also* 47 Ill. Reg. 1354 (Jan. 27, 2023). Specifically, the Board added a new Part 1501 to its rules, which transferred oversight and implementation of the Drycleaner Environmental Response Trust Fund (DERT Fund) from the Drycleaner Environmental Response Trust Fund Council (Council) to the Illinois Environmental Protection Agency (Agency or IEPA). In addition, the Board repealed the provisions of 35 Ill. Adm. Code 1500 and 2 Ill. Adm. Code 3100. As part of the R21-19 rulemaking, the Board opened this sub-docket, R21-19(A), to address the Board's authority to establish a continuing education and compliance program because of the lack of sufficient information on this issue in the R21-19 record. *See* 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, R21-19A, slip. op. at 9 (March 3, 2022).

In the opinion below, the Board briefly describes the history of this rulemaking, including the relevant background of main docket R21-19, and provides the relevant state and federal statutory authorities. The Board then explains its reasoning for now seeking to close this sub-docket. Finally, the order following this opinion sets the deadline for filing comments on this proposed closure and the anticipated closure date.

RELEVANT BACKGROUND OF BOARD RULEMAKINGS

Relevant Procedural History of R21-19

On February 9, 2021, the IEPA filed a rulemaking proposal with the Board which was docketed as R21-19. The rule proposal was meant to effectuate the 2019 amendments to the DERT Fund Act, which transferred oversight and implementation of the DERT Fund from the Council to the IEPA. In addition, the amendments gave the Board authority to adopt rules establishing continuing education and compliance program requirements under the DERT Fund Act. *See* 415 ILCS 135/12(h) (2024); *see also* 35 Ill. Adm. Code 1501.

In its March 3, 2022 first-notice opinion and order, the Board directed its Clerk to open a sub-docket to address continuing education and compliance program requirements under Section 12(h) of the DERT Fund Act. 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, R21-19, slip. op. at 11 (Mar. 3, 2022) (R21-19 First Notice); *see* 415 ILCS 135/12(h) (2024). The Board requested comments, information, and proposed rule text from drycleaning stakeholders on identifying or developing minimum continuing education and compliance program requirements for the sub-docket. R21-19 First Notice at 11. The Board also encouraged the IEPA to work with stakeholders on proposed rule language for the sub-docket that would capture the approach that the IEPA described in its original proposal. *Id*. The Board asked for comments to be filed by July 1, 2022, 120 days from the date of the R21-19 first-notice opinion and order. *Id*. On June 29, 2022, the Board received one public comment from Sung Kang (R21-19, P.C. #2). Mr. Kang provided suggestions for rules related to the compliance program. *Id*.

On November 11, 2022, the Board issued its second-notice opinion and order. *See* 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, R21-19 (Nov. 11, 2022). On January 5, 2023, the Board adopted final rules in the main docket, but the sub-docket remained open to further explore the possible future inclusion of requirements related to continuing education and a compliance program. *See* 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, R21-19 (Jan. 5, 2023).

Procedural History of Sub-Docket R21-19(A) Prior to Proposal for Public Comment

On July 1, 2022, the Board received a status update in this sub-docket from the IEPA (IEPA Status Update). IEPA stated that it had received information in emails from Dong Chul Kim on behalf of the Illinois Korean American Drycleaners Association (KADA) on April 5, 2022 (IEPA Status Update, Attachment A), and from Sung Kang on behalf of the National Drycleaners Institute (NDI) on May 11, 2022 (IEPA Status Update, Attachment B). IEPA indicated that KADA and NDI's submittals appeared to provide information that the Board requested in its R21-19 first-notice opinion and order to adopt rules pertaining to the continuing education requirements for minimum number of continuing education credits, describing the subjects to be covered, and identifying the type of inspections to occur. IEPA Status Update at 3-6. IEPA noted that the submittals did not reflect a consensus among the drycleaning community on how it should be regulated. *Id.* at 4-5.

Board's Proposal for Public Comment in R21-19(A)

On May 16, 2024, the Board presented for a 30-day public comment period its proposed amendments concerning continuing education and compliance program requirements for owners and operators of active drycleaning facilities. 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, R21-19A, (May 16, 2024). This proposal sought to amend the Board's DERT Fund rules under Part 1501 that were adopted on January 5, 2023 by including the addition of two new sections: Section 1501.165 (Continuing Education) and Section 1501.185 (Voluntary Disclosure). The proposal also included a minor amendment to existing recordkeeping and audit requirements under Section 1501.160. Additionally, the Board posed specific questions to IEPA and the drycleaning community on its proposed rule text.

The Board received public comment from several entities and one person on its proposal. On June 3, 2024, the Board received public comment from KADA, which posed preliminary questions to the Board related to the continuing education program requirements in the Board's proposal. *See* R21-19(A), P.C. #1 (June 3, 2024). Also on June 3, 2024, the Board received public comment from the Illinois Professional Drycleaners and Launderers, which stated that a continuing education program had previously been required when the DERT Fund Act was administered by the Council and noted some of the issues that arose with that program. *See* R21-19(A), P.C. #2 (June 3, 2024). On June 14, 2024, the Board received public comment by Sung Kang. *See* R21-19(A), P.C. #3[1] (June 14, 2024). Mr. Kang also noted that compliance programs and continuing education were previously instituted by the Council. *Id*. He suggested making the continuing education voluntary rather than mandatory. *Id*. On June 17, 2024, the IEPA provided public comment on the Board's proposal and responded to the questions the Board posed in its May 16, 2024 order. *See* R21-19(A), P.C. #4 (June 17, 2024). Also on June 17, 2024, the Illinois Attorney General's Office responded to the questions the Board posed in its May 16, 2024 proposal. *See* R21-19(A), P.C. #5 (June 17, 2024).

RELEVANT STATUTORY BACKGROUND

Illinois DERT Fund Act

The 2019 amendments to the DERT Fund Act made by Public Act 101-400 also gave the Board authority related to continuing education and a compliance program for drycleaner owners and operators. As amended, Section 12(h) of the DERT Fund Act provides:

> Section 12(h): In addition to the rules described above, the Board is hereby authorized to adopt rules establishing minimum continuing education and compliance program requirements for owners and operators of active drycleaning facilities. Board rules establishing minimum continuing education requirements shall, among other things, identify the minimum number of continuing education credits that must be obtained and describe the specific subjects to be covered in continuing education programs. Board rules establishing minimum compliance program requirements shall, among other things, identify the type of inspections that must be conducted. The rules adopted by the Board under this subsection (h) may also provide an exemption from continuing education requirements for persons who have, for at least 10 consecutive years on or after January 1, 2009, owned or operated a drying facility licensed under this Act. 415 ILCS 135/12(h) (2024).

[1] The file-stamp on document P.C. #3 on the Board's Clerk's Office On-Line mislabels it as P.C. #61.

Federal Action on Perchloroethylene Since the Board's Proposal for Public Comment in R21-19(A)

Perchloroethylene (PCE or perc) is a colorless liquid and a volatile chemical that is widely used in the drycleaning industry and regulated under the federal Toxic Substances Control Act (TSCA) (15 U.S.C. 2601). *See* www.usepa.gov, "Fact Sheet – 2024 Final Risk Management Rule for Perchloroethylene under TSCA", dated Dec. 2024. When the Illinois General Assembly passed the DERT Fund Act, it included regulations for the safe handling, storage, and cleanup of perc by drycleaners. *See generally* 415 ILCS 135 (2024).

On December 18, 2024, the United States Environmental Protection Agency (USEPA) issued a final rule regulating perc under TSCA (2024 PCE Rule) (40 C.F.R. Part 751). The 2024 PCE Rule requires use of PCE in drycleaning to be phased out over 10 years to eliminate the risk to people who work or spend considerable time at drycleaning facilities. *See* 40 C.F.R. Part 751. The use of PCE in newly acquired drycleaning machines is prohibited after 6 months. *Id*. Compliance dates for machines that were already owned varies depending on the type of drycleaning machine used, with older types of machines being phased out sooner than newer ones. *See* www.epa.gov, "EPA Releases Compliance Guides for PCE Risk Management Rule", dated January 10, 2025. Under the 2024 PCE Rule, the use of perc for dry cleaning is regulated as follows:

> Prohibition on use of PCE in newly acquired dry cleaning machines
> All persons are prohibited from industrial or commercial use of PCE in dry cleaning machines acquired after June 16, 2025 (*see* § 751.605(b)(7)) - Compliance date of June 16, 2025.
>
> Prohibition on dry cleaning and related spot cleaning in 3rd generation machines
> All persons are prohibited from industrial or commercial use of PCE in dry cleaning and related spot cleaning in 3rd generation machines (*see* § 751.605(b)(8)) – Compliance date of December 20, 2027.
>
> Prohibition on all dry cleaning and related spot cleaning
> All persons are prohibited from manufacturing (including importing), processing, distribution in commerce, or industrial or commercial use of PCE for dry cleaning and cleaning (*see* § 751.605(b)(9)) – Compliance date of December 19, 2034. 40 C.F.R. Part 751.

After USEPA issued the 2024 PCE Rule, several industry groups filed legal challenges that were consolidated in the U.S. Court of Appeals for the Fifth District. *See* www.epa.gov, "Update on TSCA Risk Management Rule for Perchloroethylene", dated November 28, 2025. The USEPA filed a declaration with the Court that it intended to reconsider the 2024 PCE Rule through further rulemaking. *See* www.epa.gov, "EPA Opens Public Comment Period on Final TSCA Management Rule for Perchloroethylene", dated July 29, 2025. The Court granted a temporary abeyance through August 21, 2025.

On July 29, 2025, USEPA opened a 30-day public comment period for its reconsideration of the 2024 PCE Rule to prohibit and/or phase out uses of perc. *Id.*; *see also*, 2025-14429 (90 FR 35858). On November 28, 2025, the USEPA filed another declaration with the court stating that it expects to publish a Notice of Proposed Rulemaking to amend the 2024 PCE Rule in or around summer 2026 and publish a final rule in 2027. USEPA also stated that it is considering options for extending certain compliance dates established by the 2024 PCE Rule, including options involving a more expedited rulemaking process to address compliance date extensions. *See* www.epa.gov, "EPA Extends Compliance Dates for Perchloroethylene and Carbon Tetrachloride TSCA Rules", dated March 24, 2026. On July 28, 2026, the USEPA finalized a rule extending key compliance deadlines under the Workplace Chemical Protection Program (WCPP) of the 2024 PCE Rule. *See* Federal Register 2026-15192 (91 FR 47145), "Perchloroethylene (PCE) and Carbon Tetrachloride (CTC); Regulation under the Toxic Substances Control Act (TSCA); Compliance Date Extensions", July 28, 2026. However, this final rule does not appear to impact the 10-year phaseout of the use of perc in drycleaning operations.

DISCUSSION

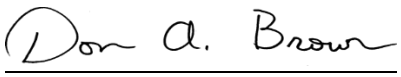
As it stands today, the 2024 PCE Rule requires the phaseout of perc in drycleaning operations over the next 10 years. It is apparent that the USEPA is reconsidering both the compliance deadlines and other aspects of the 2024 PCE Rule in ongoing rulemakings, but nothing definitive has been put into place to supplant the 2024 PCE Rule's perc phaseout. The Board believes that the 2024 PCE Rules, as they currently stand, do not require additional state-level regulation related to continuing education and the establishment of a compliance program related to perc since perc use is currently being phased out at the federal level. Therefore, the Board is of the opinion that closing this sub-docket is the best course of action. If future federal reconsideration of the 2024 PCE Rule's perc phaseout necessitates any potential changes to the Board's rules, then a new docket can be opened at that time.

ORDER

The Board will allow participants until the first business day that is 30 days from the date of this order, until December 7, 2026, to comment on the proposed closing of this sub-docket. If the Board does not receive any comments that would require it to keep the sub-docket open by that time, the Board will close this docket on January 7, 2027.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 5, 2026, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board