



**STATE OF ILLINOIS  
 DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL  
 COMPLIANCE EXAMINATION  
 For the Year Ended June 30, 2019**

<b>EXPENDITURE STATISTICS</b>	<b>2019</b>	<b>2018</b>
<b>Total Expenditures.....</b>	<b>\$ 2,095,941</b>	<b>\$ 2,462,097</b>
<b>OPERATIONS TOTAL.....</b>	<b>\$ 2,095,941</b>	<b>\$ 2,462,097</b>
% of Total Expenditures.....	100.0%	100.0%
<b>Total Receipts.....</b>	<b>\$ 431,615</b>	<b>\$ 475,594</b>

**COUNCIL CHAIR**

During Examination Period: John Polak

Currently: John Polak

**FINDINGS, CONCLUSIONS, AND  
RECOMMENDATIONS**

**EXPIRED COUNCIL MEMBER APPOINTMENTS**

The Drycleaner Environmental Response Trust Fund Council (Council) has several members serving on expired terms as well as a vacancy.

During testing, we noted Council member appointments or reappointments had not been made as required by the Drycleaner Environmental Response Trust Fund Act (Act) for four of the seven Council member positions (57%). The following chart depicts the amount of time passed as of June 30, 2019, after each noted Council member’s term expired or became vacant:

**Three expired terms and one vacancy were noted**

Member #1	Vacant February 28, 2019	122 days
Member #2	Term Expired May 1, 2016	1,155 days
Member #3	Term Expired May 1, 2019	60 days
Member #4	Term Expired May 1, 2008	4,077 days

(Finding 1, page 7). **This finding has been repeated since 2007.**

We recommended the Council continue to work with the Governor’s Office to obtain current Council member appointments as soon as possible.

**Council management agrees**

Council management stated the Council’s members have applied for reappointment directly and online. Council management also noted Senate Bill 171 was signed by the Governor on August 16, 2019, which abolishes the Council on July 1, 2020.

**OTHER MATTERS**

**Anticipated deficit of approximately \$16.28 million**

- During Fiscal Year 2019, the Council’s financial projections for the period of July 1, 2018, through the Fund’s sunset date of January 1, 2020, indicated the Fund had program deficits of approximately \$16,283,310 based on program assumptions as of July 1, 2018 (page 12).

**Public Act 101-0400**

- Senate Bill 171 passed both houses of the General Assembly on May 27, 2019. The bill was signed into law as Public Act 101-0400 by the Governor on August 16, 2019. This law will:
  - 1) transfer the Council’s powers, duties, rights, and responsibilities to the Environmental Protection Agency as of July 1, 2020;
  - 2) limit administrative costs paid from the Fund;
  - 3) require the prioritization of expenditures from the Fund in accordance with rules to be adopted by the

- Pollution Control Board;
- 4) establish an additional administrative assessment fee;
  - 5) establish criminal penalties for false statements;
  - 6) abolish the Council on July 1, 2020;
  - 7) prohibit the Council from extending the Administrator's contract beyond June 30, 2020; and,
  - 8) extend the sunset date of the Fund to January 1, 2030.
- (page 12)

### **ACCOUNTANT'S OPINION**

The accountants conducted a compliance examination of the Council for the year ended June 30, 2019, as required by the Illinois State Auditing Act. The accountants stated the Council complied, in all material respects, with the requirements described in the report.

This compliance examination was conducted by the Office of the Auditor General's staff.

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JANE CLARK  
Division Director

This report is transmitted in accordance with Section 3-14 of the Illinois State Auditing Act.

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FRANK J. MAUTINO  
Auditor General

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