



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0046

Introduced 1/16/2013, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, the Hazardous Waste Technology Exchange Service Act, the Green Governments Illinois Act, the University of Illinois Exercise of Functions and Duties Law of the Civil Administrative Code of Illinois, the University of Illinois Scientific Surveys Act, the Toxic Pollution Prevention Act, the Illinois Low-Level Radioactive Waste Management Act, and the Wildlife Code. Changes references from the Waste Management and Research Center to the Illinois Sustainable Technology Center. Makes changes concerning the Green Governments Coordinating Council and references to the Illinois Natural History Survey, the Illinois State Water Survey, and the Illinois State Geological Survey. Makes changes with respect to the Prairie Research Institute, including providing that the Institute shall contain the Illinois State Archaeological Survey and changing the powers and duties of the Board of Trustees of the University of Illinois and the Scientific Surveys. Repeals a Section of the State Finance Act in relation to certain revenues deposited into the University of Illinois Income Fund and appropriations from the Natural Resources Information Fund. Makes technical changes. Effective immediately.

LRB098 00193 NHT 30196 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 605-515 as follows:

7 (20 ILCS 605/605-515) (was 20 ILCS 605/46.13a)

8 Sec. 605-515. Environmental Regulatory Assistance Program.

9 (a) In this Section, except where the context clearly
10 requires otherwise, "small business stationary source" means a
11 business that is owned or operated by a person that employs 100
12 or fewer individuals; is a small business; is not a major
13 stationary source as defined in Titles I and III of the federal
14 1990 Clean Air Act Amendments; does not emit 50 tons or more
15 per year of any regulated pollutant (as defined under the
16 federal Clean Air Act); and emits less than 75 tons per year of
17 all regulated pollutants.

18 (b) The Department may:

19 (1) Provide access to technical and compliance
20 information for Illinois firms, including small and middle
21 market companies, to facilitate local business compliance
22 with the federal, State, and local environmental
23 regulations.

1 (2) Coordinate and enter into cooperative agreements
2 with a State ombudsman office, which shall be established
3 in accordance with the federal 1990 Clean Air Act
4 Amendments to provide direct oversight to the program
5 established under that Act.

6 (3) Enter into contracts, cooperative agreements, and
7 financing agreements and establish and collect charges and
8 fees necessary or incidental to the performance of duties
9 and the execution of powers under this Section.

10 (4) Accept and expend, subject to appropriation,
11 gifts, grants, awards, funds, contributions, charges,
12 fees, and other financial or nonfinancial aid from federal,
13 State, and local governmental agencies, businesses,
14 educational agencies, not-for-profit organizations, and
15 other entities, for the purposes of this Section.

16 (5) Establish, staff, and administer programs and
17 services and adopt such rules and regulations necessary to
18 carry out the intent of this Section and Section 507,
19 "Small Business Stationary Source Technical and
20 Environmental Compliance Assistance Program", of the
21 federal 1990 Clean Air Act Amendments.

22 (c) The Department's environmental compliance programs and
23 services for businesses may include, but need not be limited
24 to, the following:

25 (1) Communication and outreach services to or on behalf
26 of individual companies, including collection and

1 compilation of appropriate information on regulatory
2 compliance issues and control technologies, and
3 dissemination of that information through publications,
4 direct mailings, electronic communications, conferences,
5 workshops, one-on-one counseling, and other means of
6 technical assistance.

7 (2) Provision of referrals and access to technical
8 assistance, pollution prevention and facility audits, and
9 otherwise serving as an information clearinghouse on
10 pollution prevention through the coordination of the
11 Illinois Sustainable Technology ~~Waste Management and~~
12 ~~Research~~ Center of the University of Illinois. In addition,
13 environmental and regulatory compliance issues and
14 techniques, which may include business rights and
15 responsibilities, applicable permitting and compliance
16 requirements, compliance methods and acceptable control
17 technologies, release detection, and other applicable
18 information may be provided.

19 (3) Coordination with and provision of administrative
20 and logistical support to the State Compliance Advisory
21 Panel.

22 (d) There is hereby created a special fund in the State
23 Treasury to be known as the Small Business Environmental
24 Assistance Fund. Monies received under subdivision (b)(4) of
25 this Section shall be deposited into the Fund.

26 Monies in the Small Business Environmental Assistance Fund

1 may be used, subject to appropriation, only for the purposes
2 authorized by this Section.

3 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

4 Section 10. The Business Assistance and Regulatory Reform
5 Act is amended by changing Section 15 as follows:

6 (20 ILCS 608/15)

7 Sec. 15. Providing Information and Expediting Permit
8 Reviews.

9 (a) The office shall provide an information system using a
10 toll-free business assistance number. The number shall be
11 advertised throughout the State. If requested, the caller will
12 be sent a basic business kit, describing the basic requirements
13 and procedures for doing business in Illinois. If requested,
14 the caller shall be directed to one or more of the additional
15 services provided by the office. All persons providing advice
16 to callers on behalf of the office and all persons responsible
17 for directly providing services to persons visiting the office
18 or one of its branches shall be persons with small business
19 experience in an administrative or managerial capacity.

20 (b) (Blank).

21 (c) Any applicant for permits required for a business
22 activity may confer with the office to obtain assistance in the
23 prompt and efficient processing and review of applications. The
24 office may designate an employee of the office to act as a

1 permit assistance manager to:

2 (1) facilitate contacts for the applicant with
3 responsible agencies;

4 (2) arrange conferences to clarify the requirements of
5 interested agencies;

6 (3) consider with State agencies the feasibility of
7 consolidating hearings and data required of the applicant;

8 (4) assist the applicant in resolution of outstanding
9 issues identified by State agencies; and

10 (5) coordinate federal, State and local regulatory
11 procedures and permit review actions to the extent
12 possible.

13 (d) The office shall publish a directory of State business
14 permits and State programs to assist small businesses.

15 (e) The office shall attempt to establish agreements with
16 local governments to allow the office to provide assistance to
17 applicants for permits required by these local governments.

18 (f) Interested State agencies shall, to the maximum extent
19 feasible, establish procedures to expedite applications for
20 infrastructure projects. Applications for permits for
21 infrastructure projects shall be approved or disapproved
22 within 45 days of submission, unless law or regulations specify
23 a different period. If the interested agency is unable to act
24 within that period, the agency shall provide a written
25 notification to the office specifying reasons for its inability
26 to act and the date by which approval or disapproval shall be

1 determined. The office may require any interested State agency
2 to designate an employee who will coordinate the handling of
3 permits in that area.

4 (g) In addition to its responsibilities in connection with
5 permit assistance, the office shall provide general regulatory
6 information by directing businesses to appropriate officers in
7 State agencies to supply the information requested.

8 (h) The office shall help businesses to locate and apply to
9 training programs available to train current employees in
10 particular skills, techniques or areas of knowledge relevant to
11 the employees' present or anticipated job duties. In pursuit of
12 this objective, the office shall provide businesses with
13 pertinent information about training programs offered by State
14 agencies, units of local government, public universities and
15 colleges, community colleges, and school districts in
16 Illinois.

17 (i) The office shall help businesses to locate and apply to
18 State programs offering to businesses grants, loans, loan or
19 bond guarantees, investment partnerships, technology or
20 productivity consultation, or other forms of business
21 assistance.

22 (j) To the extent authorized by federal law, the office
23 shall assist businesses in ascertaining and complying with the
24 requirements of the federal Americans with Disabilities Act.

25 (k) The office shall provide confidential on-site
26 assistance in identifying problems and solutions in compliance

1 with requirements of State and federal environmental
2 regulations. The office shall work through and contract with
3 the Illinois Sustainable Technology ~~Waste Management and~~
4 ~~Research~~ Center to provide confidential on-site consultation
5 audits that (i) assist regulatory compliance and (ii) identify
6 pollution prevention opportunities.

7 (k-5) Until July 1, 2012, the office shall provide
8 confidential on-site assistance, including, but not limited
9 to, consultation audits, to identify problems and solutions
10 regarding compliance with the requirements of the federal
11 Occupational Safety and Health Administration. On and after
12 July 1, 2012, the Department of Labor shall provide
13 confidential on-site assistance, including, but not limited
14 to, consultation audits, to identify problems and solutions
15 regarding compliance with the requirements of the federal
16 Occupational Safety and Health Administration.

17 (l) The office shall provide information on existing loan
18 and business assistance programs provided by the State.

19 (m) Each State agency having jurisdiction to approve or
20 deny a permit shall have the continuing power heretofore or
21 hereafter vested in it to make such determinations. The
22 provisions of this Act shall not lessen or reduce such powers
23 and shall modify the procedures followed in carrying out such
24 powers only to the extent provided in this Act.

25 (n) (1) Each State agency shall fully cooperate with the
26 office in providing information, documentation, personnel or

1 facilities requested by the office.

2 (2) Each State agency having jurisdiction of any permit to
3 which the master application procedure is applicable shall
4 designate an employee to act as permit liaison office with the
5 office in carrying out the provisions of this Act.

6 (o) (1) The office has authority, but is not required, to
7 keep and analyze appropriate statistical data regarding the
8 number of permits issued by State agencies, the amount of time
9 necessary for the permits to be issued, the cost of obtaining
10 such permits, the types of projects for which specific permits
11 are issued, a geographic distribution of permits, and other
12 pertinent data the office deems appropriate.

13 The office shall make such data and any analysis of the
14 data available to the public.

15 (2) The office has authority, but is not required, to
16 conduct or cause to be conducted a thorough review of any
17 agency's permit requirements and the need by the State to
18 require such permits. The office shall draw on the review, on
19 its direct experience, and on its statistical analyses to
20 prepare recommendations regarding how to:

21 (i) eliminate unnecessary or antiquated permit
22 requirements;

23 (ii) consolidate duplicative or overlapping permit
24 requirements;

25 (iii) simplify overly complex or lengthy application
26 procedures;

1 (iv) expedite time-consuming agency review and
2 approval procedures; or

3 (v) otherwise improve the permitting processes in the
4 State.

5 The office shall submit copies of all recommendations
6 within 5 days of issuance to the affected agency, the Governor,
7 the General Assembly, and the Joint Committee on Administrative
8 Rules.

9 (p) The office has authority to review State forms on its
10 own initiative or upon the request of another State agency to
11 ascertain the burden, if any, of complying with those forms. If
12 the office determines that a form is unduly burdensome to
13 business, it may recommend to the agency issuing the form
14 either that the form be eliminated or that specific changes be
15 made in the form.

16 (q) Not later than March 1 of each year, beginning March 1,
17 1995, the office shall submit an annual report of its
18 activities during the preceding year to the Governor and
19 General Assembly. The report shall describe the activities of
20 the office during the preceding year and shall contain
21 statistical information on the permit assistance activities of
22 the office.

23 (Source: P.A. 97-787, eff. 7-13-12.)

24 Section 15. The Hazardous Waste Technology Exchange
25 Service Act is amended by changing Sections 3, 4, and 6 as

1 follows:

2 (20 ILCS 1130/3) (from Ch. 111 1/2, par. 6803)

3 Sec. 3. For the purposes of this Act, unless the context
4 otherwise requires:

5 (a) "Board" means the Board of Trustees of the University
6 of Illinois.

7 (b) "Center" means the Illinois Sustainable Technology
8 ~~Waste Management and Research~~ Center of the University of
9 Illinois.

10 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

11 (20 ILCS 1130/4) (from Ch. 111 1/2, par. 6804)

12 Sec. 4. Illinois Sustainable Technology ~~Waste Management~~
13 ~~and Research~~ Center. The Illinois Sustainable Technology
14 Center (formerly known as the Waste Management and Research
15 Center) is transferred to the University of Illinois.

16 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

17 (20 ILCS 1130/6) (from Ch. 111 1/2, par. 6806)

18 Sec. 6. Appropriations. For the purpose of maintaining the
19 Illinois Sustainable Technology ~~Waste Management and Research~~
20 Center, paying the expenses and providing the facilities and
21 structures incident thereto, appropriations shall be made to
22 the University of Illinois, payable from the Hazardous Waste
23 Research Fund and other funds in the State Treasury.

1 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

2 Section 20. The Green Governments Illinois Act is amended
3 by changing Section 15 as follows:

4 (20 ILCS 3954/15)

5 Sec. 15. ~~Composition of the Council membership and~~
6 ~~administrative support. Representatives~~ ~~The Council shall be~~
7 ~~composed of representatives~~ from various State agencies and
8 State universities with specific fiscal, procurement,
9 educational, and environmental policy expertise shall comprise
10 the Council. Until the effective date of this amendatory Act of
11 the 97th General Assembly, the Lieutenant Governor is the chair
12 of the Council. On and after the effective date of this
13 amendatory Act of the 97th General Assembly, the Governor is
14 the chair of the Council, and the Lieutenant Governor, or his
15 or her designee, shall be a member of the council. The director
16 or President, respectively, of each of the following State
17 agencies and State universities, or his or her designee, is a
18 member of the Council: the Department of Commerce and Economic
19 Opportunity, the Environmental Protection Agency, the
20 University of Illinois, the Department of Natural Resources,
21 the Department of Central Management Services, the Governor's
22 Office of Management and Budget, the Department of Agriculture,
23 the Department of Transportation, the Department of
24 Corrections, the Department of Human Services, the Department

1 of Public Health, the State Board of Education, the Board of
2 Higher Education, and the Capital Development Board.

3 The Office of the Governor shall provide administrative
4 support to the Council. A minimum of one staff position in the
5 Office of the Governor shall be dedicated to the Green
6 Governments Illinois program.

7 (Source: P.A. 96-74, eff. 7-24-09; 97-573, eff. 8-25-11.)

8 Section 25. The University of Illinois Exercise of
9 Functions and Duties Law of the Civil Administrative Code of
10 Illinois is amended by changing Section 3000-5 as follows:

11 (110 ILCS 355/3000-5) (was 110 ILCS 355/62)

12 Sec. 3000-5. Retention of duties by University of Illinois.
13 Unless otherwise provided by law, the functions and duties
14 formerly exercised by the State entomologist, the Illinois
15 Natural History Survey ~~State laboratory of natural history~~, the
16 Illinois State Water Survey ~~water survey~~, and the Illinois
17 State Geological Survey ~~geological survey~~ and the functions and
18 duties of the Illinois Sustainable Technology Center (formerly
19 known as the Waste Management and Research Center) and its
20 Hazardous Materials Laboratory as authorized by the Hazardous
21 Waste Technology Exchange Service Act shall continue to be
22 exercised at the University of Illinois in buildings and places
23 provided by the trustees of the University.

24 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

1 Section 30. The University of Illinois Scientific Surveys
2 Act is amended by changing Sections 5, 10, 15, 20, and 55 as
3 follows:

4 (110 ILCS 425/5)

5 Sec. 5. Purposes. The purposes of this Act are to establish
6 at the University of Illinois the Prairie Research Institute ~~an~~
7 ~~institute for natural resources sustainability~~ and to transfer
8 to it all rights, powers, duties, property, and functions
9 currently vested in the Department of Natural Resources
10 pertaining to its Illinois Natural History Survey ~~division~~,
11 Illinois State Water Survey ~~division~~, Illinois State
12 Geological Survey ~~division~~, and Illinois Sustainable
13 Technology Center (formerly known as the Waste Management and
14 Research Center) ~~division (which may also be referred to as the~~
15 ~~Illinois Sustainable Technology Center)~~.

16 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

17 (110 ILCS 425/10)

18 Sec. 10. Definitions. For the purposes of this Act, unless
19 the context otherwise requires:

20 "Board of Trustees" means the Board of Trustees of the
21 University of Illinois.

22 "Scientific Surveys" means, collectively, the Illinois
23 ~~State~~ Natural History Survey ~~division~~, the Illinois State Water

1 Survey ~~division~~, the Illinois State Geological Survey
2 ~~division~~, and the Illinois Sustainable Technology Center
3 (formerly known as the Waste Management and Research Center)
4 ~~division~~ transferred by this Act from the Department of Natural
5 Resources to the Board of Trustees.

6 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

7 (110 ILCS 425/15)

8 Sec. 15. Organization. The Board of Trustees shall
9 establish and operate the Prairie Research Institute ~~an~~
10 ~~institute for natural sciences and sustainability~~. The
11 Institute ~~institute~~ shall contain within it the Illinois State
12 Natural History Survey ~~division~~, the Illinois State Water
13 Survey ~~division~~, the Illinois State Geological Survey
14 ~~division~~, the Illinois Sustainable Technology Waste Management
15 ~~and Research Center~~ ~~division~~, the Illinois State
16 Archaeological Survey, and such other related entities,
17 research functions, and responsibilities as may be
18 appropriate. The Institute ~~institute~~ shall be under the
19 governance and control of the Board of Trustees.

20 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

21 (110 ILCS 425/20)

22 Sec. 20. General powers and duties. In addition to its
23 other powers and duties, the Board of Trustees shall have the
24 power to provide for the management and operation of the

1 Scientific Surveys including, but not limited to, the following
2 powers and duties which shall be performed by the Scientific
3 Surveys:

4 (1) To investigate and study the natural and cultural
5 resources of the State and to prepare reports and furnish
6 information fundamental to the conservation and
7 development of natural and cultural resources, and, for
8 that purpose, the officers and employees thereof shall have
9 the authority to enter and cross all lands in this State,
10 doing no damage to private property.

11 (2) To collaborate with and advise departments having
12 administrative powers and duties relating to the natural
13 resources of the State, and to collaborate with similar
14 departments in other states and with the United States
15 Government.

16 (3) To conduct a natural history survey of the State,
17 giving preference to subjects of educational and
18 economical importance. The Director of the Illinois
19 Natural History Survey shall serve and be designated as the
20 Illinois State Biologist.

21 (4) To investigate the entomology of the State. The
22 Director of the Illinois Natural History Survey shall serve
23 and be designated as the Illinois State Entomologist.

24 (5) To investigate all insects dangerous or injurious
25 to agricultural or horticultural plants and crops, to
26 livestock, to nursery trees and plants, to the products of

1 the truck farm and vegetable garden, to shade trees and
2 other ornamental vegetation of cities and villages, and to
3 the products of the mills and the contents of warehouses,
4 and all insects injurious or dangerous to the public
5 health.

6 (6) To study the geological formation of the State with
7 reference to its resources of coal, ores, clays, building
8 stones, cement, materials suitable for use in the
9 construction of the roads, gas, oil, mineral and artesian
10 water, aquifers and aquitards, and other resources and
11 products. The Director of the Illinois State Geological
12 Survey shall serve and be designated as the Illinois State
13 Geologist.

14 (7) To cooperate with United States federal agencies in
15 the preparation of land surface maps ~~and completion of a~~
16 ~~contour topographic map~~ and the collection, recording, and
17 printing of water and atmospheric resource data, including
18 stream flow measurements; ~~and~~ to collect facts and data
19 concerning the volumes and flow of underground, surface,
20 and atmospheric waters of the State; and to determine the
21 mineral and chemical qualities of water from different
22 geological formations and surface and atmospheric waters
23 for the various sections of the State.

24 (8) To act as the central data repository and research
25 coordinator for the State in matters related to water and
26 atmospheric resources. The Illinois State Water Survey of

1 the University of Illinois may monitor and evaluate all
2 weather modification operations in Illinois. The Illinois
3 State Climatologist and the Illinois State Hydrologist
4 shall be employees of the Illinois State Water Survey.

5 (9) (Blank). ~~To collaborate with the Illinois State~~
6 ~~Academy of Science and to publish the results of the~~
7 ~~investigations and research in the field of natural science~~
8 ~~to the end that the same may be distributed to the~~
9 ~~interested public.~~

10 (10) To perform all other duties and assume all
11 obligations of the Department of Natural Resources
12 pertaining to the Illinois State Water Survey, the Illinois
13 State Geological Survey, the Illinois State Natural
14 History Survey, ~~and~~ the Illinois Sustainable Technology
15 ~~Waste Management and Research Center~~, and the Illinois
16 State Archaeological Survey.

17 (11) To maintain all previously existing relationships
18 between the Illinois State Water Survey, the Illinois State
19 Geological Survey, the Illinois State Natural History
20 Survey, ~~and~~ the Illinois Sustainable Technology Center,
21 and the Illinois State Archaeological Survey and the public
22 and private colleges and universities in Illinois.

23 (12) To participate in federal and State geologic
24 mapping programs.

25 (13) To conduct educational programs to further the
26 exchange of information to reduce the generation of

1 hazardous wastes or to treat or dispose of such wastes so
2 as to make them nonhazardous.

3 (14) To provide a technical information service for
4 industries involved in the generation, treatment, or
5 disposal of hazardous wastes.

6 (15) To disseminate information regarding advances in
7 hazardous waste management technology that could both
8 protect the environment and further industrial
9 productivity.

10 (16) To provide research in areas related to reduction
11 of the generation of hazardous wastes; treatment,
12 recycling and reuse; toxic pollution prevention; and other
13 issues that the Board may suggest. The Illinois Pollution
14 Prevention Scientist shall be an employee of the Illinois
15 Sustainable Technology Center.

16 (17) To investigate, preserve, and interpret the
17 archaeological heritage of this State within the contexts
18 of public needs and sustainable economic development
19 through scientific research, public service, education,
20 and outreach activities. The Director of the Illinois State
21 Archaeological Survey shall serve and be designated as the
22 Illinois State Archaeologist.

23 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

24 (110 ILCS 425/55)

25 Sec. 55. Successor agency. For purposes of the Successor

1 Agency Act and Section 9b of the State Finance Act, the Board
2 of Trustees is the successor to the Department of Natural
3 Resources and the Illinois Board of Natural Resources and
4 Conservation with respect to the rights, powers, duties,
5 property, functions, and other matters transferred by this Act.
6 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

7 Section 35. The Well Abandonment Act is amended by changing
8 Section 1 as follows:

9 (225 ILCS 730/1) (from Ch. 96 1/2, par. 5201)

10 Sec. 1. It is the duty of the permittee of any well drilled
11 or deepened for oil or gas, to file all geophysical logs and a
12 well drilling report of said well in the office of the State
13 Geological Survey of the University of Illinois within 90 days
14 after drilling ceases.

15 The well drilling report: (1) shall show the character and
16 depth of the formations passed through or encountered in the
17 drilling of the well, particularly showing the depth and
18 thickness of oil-bearing strata, and gas-bearing strata, (2)
19 shall show the position and thickness of coal beds and deposits
20 of mineral materials of economic value, and (3) shall give the
21 location of the hole.

22 The Department of Natural Resources shall supply to the
23 Illinois State Geological Survey a copy of each permit, showing
24 the location of the well.

1 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

2 Section 40. The Toxic Pollution Prevention Act is amended
3 by changing Sections 3 and 5 as follows:

4 (415 ILCS 85/3) (from Ch. 111 1/2, par. 7953)

5 Sec. 3. Definitions. As used in this Act:

6 "Agency" means the Illinois Environmental Protection
7 Agency.

8 "Center" means the Illinois Sustainable Technology ~~Waste~~
9 ~~Management and Research~~ Center.

10 "Person" means any individual, partnership,
11 co-partnership, firm, company, corporation, association, joint
12 stock company, trust, political subdivision, State agency, or
13 any other legal entity, or its legal representative, agent or
14 assigns.

15 "Release" means emission to the air, discharge to surface
16 waters or off-site wastewater treatment facilities, or on-site
17 release to the land, including but not limited to landfills,
18 surface impoundments and injection wells.

19 "Toxic substance" means any substance listed by the Agency
20 pursuant to Section 4 of this Act.

21 "Toxic pollution prevention" means in-plant practices that
22 reduce, avoid or eliminate: (i) the use of toxic substances,
23 (ii) the generation of toxic constituents in wastes, (iii) the
24 disposal or release of toxic substances into the environment,

1 or (iv) the development or manufacture of products with toxic
2 constituents, through the application of any of the following
3 techniques:

4 (1) input substitution, which refers to replacing a
5 toxic substance or raw material used in a production
6 process with a nontoxic or less toxic substance;

7 (2) product reformulation, which refers to
8 substituting for an existing end product an end product
9 which is nontoxic or less toxic upon use, release or
10 disposal;

11 (3) production process redesign or modification, which
12 refers to developing and using production processes of a
13 different design than those currently used;

14 (4) production process modernization, which refers to
15 upgrading or replacing existing production process
16 equipment or methods with other equipment or methods based
17 on the same production process;

18 (5) improved operation and maintenance of existing
19 production process equipment and methods, which refers to
20 modifying or adding to existing equipment or methods,
21 including but not limited to such techniques as improved
22 housekeeping practices, system adjustments, product and
23 process inspections, and production process control
24 equipment or methods;

25 (6) recycling, reuse or extended use of toxic
26 substances by using equipment or methods which become an

1 integral part of the production process, including but not
2 limited to filtration and other closed loop methods.

3 However, "toxic pollution prevention" shall not include or
4 in any way be inferred to promote or require incineration,
5 transfer from one medium of release to another, off-site or out
6 of process waste recycling, or end of pipe treatment of toxic
7 substances.

8 "Trade secret" means any information concerning production
9 processes employed or substances manufactured, processed or
10 otherwise used within a facility which the Agency determines to
11 satisfy the criteria established under Section 3.490 of the
12 Environmental Protection Act, and to which specific trade
13 secret status has been granted by the Agency.

14 (Source: P.A. 92-574, eff. 6-26-02.)

15 (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

16 Sec. 5. Toxic Pollution Prevention Assistance Program.
17 There is hereby established a Toxic Pollution Prevention
18 Assistance Program at the Illinois Sustainable Technology
19 ~~Waste Management and Research~~ Center. The Center may establish
20 cooperative programs with public and private colleges and
21 universities designed to augment the implementation of this
22 Section. The Center may establish fees, tuition, or other
23 financial charges for participation in the Assistance Program.
24 These monies shall be deposited in the Toxic Pollution
25 Prevention Fund established in Section 7 of this Act. Through

1 the Assistance Program, the Center:

2 (1) Shall provide general information about and actively
3 publicize the advantages of and developments in toxic pollution
4 prevention.

5 (2) May establish courses, seminars, conferences and other
6 events, and reports, updates, guides and other publications and
7 other means of providing technical information for industries,
8 local governments and citizens concerning toxic pollution
9 prevention strategies, and may, as appropriate, work in
10 cooperation with the Agency.

11 (3) Shall engage in research on toxic pollution prevention
12 methods. Such research shall include assessments of the impact
13 of adopting toxic pollution prevention methods on the
14 environment, the public health, and worker exposure, and
15 assessments of the impact on profitability and employment
16 within affected industries.

17 (4) Shall provide on-site technical consulting, to the
18 extent practicable, to help facilities to identify
19 opportunities for toxic pollution prevention, and to develop
20 toxic pollution prevention plans. To be eligible for such
21 consulting, the owner or operator of a facility must agree to
22 allow information regarding the results of such consulting to
23 be shared with the public, provided that the identity of the
24 facility shall be made available only with its consent, and
25 trade secret information shall remain protected.

26 (5) May sponsor pilot projects in cooperation with the

1 Agency, or an institute of higher education to develop and
2 demonstrate innovative technologies and methods for toxic
3 pollution prevention. The results of all such projects shall be
4 available for use by the public, but trade secret information
5 shall remain protected.

6 (6) May award grants for activities that further the
7 purposes of this Act, including but not limited to the
8 following:

9 (A) grants to not-for-profit organizations to
10 establish free or low-cost technical assistance or
11 educational programs to supplement the toxic pollution
12 prevention activities of the Center;

13 (B) grants to assist trade associations, business
14 organizations, labor organizations and educational
15 institutions in developing training materials to foster
16 toxic pollution prevention; and

17 (C) grants to assist industry, business organizations,
18 labor organizations, education institutions and industrial
19 hygienists to identify, evaluate and implement toxic
20 pollution prevention measures and alternatives through
21 audits, plans and programs.

22 The Center may establish criteria and terms for such
23 grants, including a requirement that a grantee provide
24 matching funds. Grant money awarded under this Section may
25 not be spent for capital improvements or equipment.

26 In determining whether to award a grant, the Center

1 shall consider at least the following:

2 (i) the potential of the project to prevent
3 pollution;

4 (ii) the likelihood that the project will develop
5 techniques or processes that will minimize the
6 transfer of pollution from one environmental medium to
7 another;

8 (iii) the extent to which information to be
9 developed through the project will be applicable to
10 other persons in the State; and

11 (iv) the willingness of the grant applicant to
12 assist the Center in disseminating information about
13 the pollution prevention methods to be developed
14 through the project.

15 (7) Shall establish and operate a State information
16 clearinghouse that assembles, catalogues and disseminates
17 information about toxic pollution prevention and available
18 consultant services. Such clearinghouse shall include a
19 computer database containing information on managerial,
20 technical and operational approaches to achieving toxic
21 pollution prevention. The computer database must be maintained
22 on a system designed to enable businesses, governmental
23 agencies and the general public readily to obtain information
24 specific to production technologies, materials, operations and
25 products. A business shall not be required to submit to the
26 clearinghouse any information that is a trade secret.

1 (8) May contract with an established institution of higher
2 education to assist the Center in carrying out the provisions
3 of this Section. The assistance provided by such an institution
4 may include, but need not be limited to:

5 (A) engineering field internships to assist industries
6 in identifying toxic pollution prevention opportunities;

7 (B) development of a toxic pollution prevention
8 curriculum for students and faculty; and

9 (C) applied toxic pollution prevention and recycling
10 research.

11 (9) Shall emphasize assistance to businesses that have
12 inadequate technical and financial resources to obtain
13 information and to assess and implement toxic pollution
14 prevention methods.

15 (10) Shall publish a biannual report on its toxic pollution
16 prevention activities, achievements, identified problems and
17 future goals.

18 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

19 Section 45. The Illinois Low-Level Radioactive Waste
20 Management Act is amended by changing Section 3 as follows:

21 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

22 Sec. 3. Definitions.

23 "Agency" means the Illinois Emergency Management Agency.

24 "Broker" means any person who takes possession of low-level

1 waste for purposes of consolidation and shipment.

2 "Compact" means the Central Midwest Interstate Low-Level
3 Radioactive Waste Compact.

4 "Decommissioning" means the measures taken at the end of a
5 facility's operating life to assure the continued protection of
6 the public from any residual radioactivity or other potential
7 hazards present at a facility.

8 "Director" means the Director of the Illinois Emergency
9 Management Agency.

10 "Disposal" means the isolation of waste from the biosphere
11 in a permanent facility designed for that purpose.

12 "Facility" means a parcel of land or site, together with
13 structures, equipment and improvements on or appurtenant to the
14 land or site, which is used or is being developed for the
15 treatment, storage or disposal of low-level radioactive waste.

16 "Facility" does not include lands, sites, structures or
17 equipment used by a generator in the generation of low-level
18 radioactive wastes.

19 "Generator" means any person who produces or possesses
20 low-level radioactive waste in the course of or incident to
21 manufacturing, power generation, processing, medical diagnosis
22 and treatment, research, education or other activity.

23 "Hazardous waste" means a waste, or combination of wastes,
24 which because of its quantity, concentration, or physical,
25 chemical, or infectious characteristics may cause or
26 significantly contribute to an increase in mortality or an

1 increase in serious, irreversible, or incapacitating
2 reversible, illness; or pose a substantial present or potential
3 hazard to human health or the environment when improperly
4 treated, stored, transported, or disposed of, or otherwise
5 managed, and which has been identified, by characteristics or
6 listing, as hazardous under Section 3001 of the Resource
7 Conservation and Recovery Act of 1976, P.L. 94-580 or under
8 regulations of the Pollution Control Board.

9 "High-level radioactive waste" means:

10 (1) the highly radioactive material resulting from the
11 reprocessing of spent nuclear fuel including liquid waste
12 produced directly in reprocessing and any solid material
13 derived from the liquid waste that contains fission
14 products in sufficient concentrations; and

15 (2) the highly radioactive material that the Nuclear
16 Regulatory Commission has determined, on the effective
17 date of this Amendatory Act of 1988, to be high-level
18 radioactive waste requiring permanent isolation.

19 "Low-level radioactive waste" or "waste" means radioactive
20 waste not classified as high-level radioactive waste,
21 transuranic waste, spent nuclear fuel or byproduct material as
22 defined in Section 11e(2) of the Atomic Energy Act of 1954 (42
23 U.S.C. 2014).

24 "Mixed waste" means waste that is both "hazardous waste"
25 and "low-level radioactive waste" as defined in this Act.

26 "Person" means an individual, corporation, business

1 enterprise or other legal entity either public or private and
2 any legal successor, representative, agent or agency of that
3 individual, corporation, business enterprise, or legal entity.

4 "Post-closure care" means the continued monitoring of the
5 regional disposal facility after closure for the purposes of
6 detecting a need for maintenance, ensuring environmental
7 safety, and determining compliance with applicable licensure
8 and regulatory requirements, and includes undertaking any
9 remedial actions necessary to protect public health and the
10 environment from radioactive releases from the facility.

11 "Regional disposal facility" or "disposal facility" means
12 the facility established by the State of Illinois under this
13 Act for disposal away from the point of generation of waste
14 generated in the region of the Compact.

15 "Release" means any spilling, leaking, pumping, pouring,
16 emitting, emptying, discharging, injecting, escaping,
17 leaching, dumping or disposing into the environment of
18 low-level radioactive waste.

19 "Remedial action" means those actions taken in the event of
20 a release or threatened release of low-level radioactive waste
21 into the environment, to prevent or minimize the release of the
22 waste so that it does not migrate to cause substantial danger
23 to present or future public health or welfare or the
24 environment. The term includes, but is not limited to, actions
25 at the location of the release such as storage, confinement,
26 perimeter protection using dikes, trenches or ditches, clay

1 cover, neutralization, cleanup of released low-level
2 radioactive wastes, recycling or reuse, dredging or
3 excavations, repair or replacement of leaking containers,
4 collection of leachate and runoff, onsite treatment or
5 incineration, provision of alternative water supplies and any
6 monitoring reasonably required to assure that these actions
7 protect human health and the environment.

8 "Scientific Surveys" means, collectively, the Illinois
9 State Geological Survey and the Illinois State Water Survey of
10 the University of Illinois.

11 "Shallow land burial" means a land disposal facility in
12 which radioactive waste is disposed of in or within the upper
13 30 meters of the earth's surface. However, this definition
14 shall not include an enclosed, engineered, structurally
15 re-enforced and solidified bunker that extends below the
16 earth's surface.

17 "Storage" means the temporary holding of waste for
18 treatment or disposal for a period determined by Agency
19 regulations.

20 "Treatment" means any method, technique or process,
21 including storage for radioactive decay, designed to change the
22 physical, chemical or biological characteristics or
23 composition of any waste in order to render the waste safer for
24 transport, storage or disposal, amenable to recovery,
25 convertible to another usable material or reduced in volume.

26 "Waste management" means the storage, transportation,

1 treatment or disposal of waste.

2 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999; 95-777, eff.
3 8-4-08; 96-328, eff. 8-11-09.)

4 Section 50. The Wildlife Code is amended by changing
5 Section 1.3 as follows:

6 (520 ILCS 5/1.3)

7 Sec. 1.3. The Department shall have the authority to manage
8 wildlife and regulate the taking of wildlife for the purposes
9 of providing public recreation and controlling wildlife
10 populations. The seasons during which wildlife may be taken,
11 the methods for taking wildlife, the daily bag limits, and the
12 possession limits shall be established by the Department
13 through administrative rule, but the Department may not provide
14 for a longer season, a larger daily bag limit, or a larger
15 possession limit than is provided in this Code.

16 The Natural Resources Advisory Board may also recommend to
17 the Director of Natural Resources any reductions or increases
18 of seasons and bag or possession limits or the closure of any
19 season when research and inventory data indicate the need for
20 such changes.

21 The Department is authorized to establish seasons for the
22 taking of migratory birds within the dates established annually
23 by Proclamation of the Secretary, United States Department of
24 the Interior, known as the "Rules and Regulations for Migratory

1 Bird Hunting" (50 CFR 20 et seq.). When the biological balance
2 of any species is affected, the Director may with the approval
3 of the Conservation Advisory Board, by administrative rule,
4 lengthen, shorten or close the season during which waterfowl
5 may be taken within the federal limitations prescribed. If the
6 Department does not adopt an administrative rule establishing a
7 season, then the season shall be as set forth in the current
8 "Rules and Regulations for Migratory Bird Hunting". The
9 Department shall advise the public by reasonable means of the
10 dates of the various seasons.

11 The Department may utilize the services of the staff of the
12 Illinois ~~State~~ Natural History Survey of the University of
13 Illinois for making investigations as to the population status
14 of the various species of wildlife.

15 Employees or agents of any state, federal, or municipal
16 government or body when engaged in investigational work and law
17 enforcement, may with prior approval of the Director, be
18 exempted from the provisions of this Act.

19 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

20 (30 ILCS 105/8.24 rep.)

21 Section 55. The State Finance Act is amended by repealing
22 Section 8.24.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

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4	20 ILCS 608/15	
5	20 ILCS 1130/3	from Ch. 111 1/2, par. 6803
6	20 ILCS 1130/4	from Ch. 111 1/2, par. 6804
7	20 ILCS 1130/6	from Ch. 111 1/2, par. 6806
8	20 ILCS 3954/15	
9	110 ILCS 355/3000-5	was 110 ILCS 355/62
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13	110 ILCS 425/20	
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16	415 ILCS 85/3	from Ch. 111 1/2, par. 7953
17	415 ILCS 85/5	from Ch. 111 1/2, par. 7955
18	420 ILCS 20/3	from Ch. 111 1/2, par. 241-3
19	520 ILCS 5/1.3	
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