



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2639

2 AMENDMENT NO. _____. Amend Senate Bill 2639 by deleting
3 everything after the enacting clause and replacing it with the
4 following:

5 "Section 5. The Radioactive Waste Compact Enforcement Act
6 is amended by changing Sections 25, 30, and 31 as follows:

7 (45 ILCS 141/25)

8 Sec. 25. Enforcement.

9 (a) The Department of Nuclear Safety or its successor
10 agency, the Illinois Emergency Management Agency, shall adopt
11 regulations to administer and enforce the provisions of this
12 Act. The regulations shall be adopted with the consultation and
13 cooperation of the Commission.

14 Regulations adopted by the Department or the Agency under
15 this Act shall prohibit the shipment into or acceptance of
16 waste in Illinois if the shipment or acceptance would result in
17 a violation of any provision of the Compact or this Act.

18 (b) The Department of Nuclear Safety or its successor
19 agency, the Illinois Emergency Management Agency, may, by
20 regulation, impose conditions on the shipment into or
21 acceptance of waste in Illinois that the Department or the
22 Agency determines to be reasonable and necessary to enforce the
23 provisions of this Act. The conditions may include, but are not
24 limited to (i) requiring prior notification of any proposed

1 shipment or receipt of waste; (ii) requiring the shipper or
2 recipient to identify the location to which the waste will be
3 sent for disposal following treatment or storage in Illinois;
4 (iii) limiting the time that waste from outside Illinois may be
5 held in Illinois; (iv) requiring the shipper or recipient to
6 post bond or by other mechanism to assure that radioactive
7 material will not be treated, stored, or disposed of in
8 Illinois in violation of any provision of this Act; (v)
9 requiring that the shipper consent to service of process before
10 shipment of waste into Illinois.

11 (c) The Department of Nuclear Safety or its successor
12 agency, the Illinois Emergency Management Agency, shall, by
13 regulation, impose a system of civil penalties in accordance
14 with the provisions of this Act. Amounts recovered under these
15 regulations shall be deposited in the Low-Level Radioactive
16 Waste Facility Development and Operation Fund.

17 (d) The regulations adopted by the Department of Nuclear
18 Safety or its successor agency, the Illinois Emergency
19 Management Agency, may provide for the granting of exemptions,
20 but only upon a showing by the applicant that the granting of
21 an exemption would be consistent with the Compact.

22 (Source: P.A. 87-1166.)

23 (45 ILCS 141/30)

24 Sec. 30. Penalties.

25 (a) Any person who ships or receives radioactive material
26 in violation of any provision of this Act or a regulation of
27 the Department of Nuclear Safety or its successor agency, the
28 Illinois Emergency Management Agency, adopted under this Act
29 shall be subject to a civil penalty not to exceed \$100,000 per
30 occurrence.

31 (b) Any person who fails to pay a civil penalty imposed by
32 regulations adopted under this Act, or any portion of the
33 penalty, shall be liable in a civil action in an amount not to

1 exceed 4 times the amount imposed and not paid.

2 (c) Any person who intentionally violates a provision of
3 subsection (a) (1), (a) (2), (a) (3), (a) (4) or (a) (6) of Section
4 20 of this Act shall be guilty of a Class 4 felony.

5 (d) At the request of the Department of Nuclear Safety or
6 its successor agency, the Illinois Emergency Management
7 Agency, the Attorney General shall, on behalf of the State,
8 bring an action for the recovery of any civil penalty or the
9 prosecution of any criminal offense provided for by this Act.
10 Any civil penalties so recovered shall be deposited in the
11 Low-Level Radioactive Waste Facility Development and Operation
12 Fund.

13 (Source: P.A. 87-1166.)

14 (45 ILCS 141/31)

15 Sec. 31. The Department of Nuclear Safety or its successor
16 agency, the Illinois Emergency Management Agency, may accept
17 donations of money, equipment, supplies, materials, and
18 services from any person for accomplishing the purposes of this
19 Act. Any donation of money shall be deposited in the Low-Level
20 Radioactive Waste Facility Development and Operation Fund and
21 shall be expended by the Department only in accordance with the
22 purposes of the donation.

23 (Source: P.A. 87-1166.)

24 Section 10. The Environmental Protection Act is amended by
25 changing Sections 25a-1 and 25b as follows:

26 (415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

27 Sec. 25a-1. At least 60 days before beginning the
28 decommissioning of any nuclear power plant located in this
29 State, the owner or operator of the plant shall file, for
30 information purposes only, a copy of the decommissioning plan
31 for the plant with the Environmental Protection Agency and a

1 copy with the Illinois Emergency Management Agency ~~Department~~
2 ~~of Nuclear Safety~~.

3 (Source: P.A. 86-901.)

4 (415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

5 Sec. 25b. Any person, corporation or public authority
6 intending to construct a nuclear steam-generating facility or a
7 nuclear fuel reprocessing plant shall file with the Illinois
8 Emergency Management Agency ~~Department of Nuclear Safety~~ an
9 environmental feasibility report which incorporates the data
10 provided in the preliminary safety analysis required to be
11 filed with the United States Nuclear Regulatory Commission. The
12 Board may by rule prescribe the form of such report. The Board
13 shall have the power to adopt standards to protect the health,
14 safety and welfare of the citizens of Illinois from the hazards
15 of radiation to the extent that such powers are not preempted
16 under the federal constitution.

17 (Source: P.A. 87-292.)

18 Section 15. The Illinois Nuclear Facility Safety Act is
19 amended by adding Section 1.5 and changing Sections 2, 4, 5,
20 and 7 as follows:

21 (420 ILCS 10/1.5 new)

22 Sec. 1.5. Definition. In this Act, "Agency" means the
23 Illinois Emergency Management Agency.

24 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

25 Sec. 2. Policy statement. It is declared to be the policy
26 of the State of Illinois to prevent accidents at nuclear
27 facilities in Illinois for the economic well-being of the
28 People of the State of Illinois and for the health and safety
29 of workers at nuclear facilities and private citizens who could
30 be injured as a result of releases of radioactive materials

1 from nuclear facilities. It is the intent of the General
2 Assembly that this Act should be construed consistently with
3 federal law to maximize the role of the State in contributing
4 to safety at nuclear facilities in Illinois. It is the intent
5 of the General Assembly that the Agency ~~Illinois Department of~~
6 ~~Nuclear Safety~~ should not take any actions which are preempted
7 by federal law or engage in dual regulation of nuclear
8 facilities, unless dual regulation is allowed by federal law
9 and policies of the Nuclear Regulatory Commission. In
10 implementing its responsibilities under this Act, the Agency
11 ~~Illinois Department of Nuclear Safety~~ shall not take any action
12 which interferes with the safe operation of a nuclear facility.
13 (Source: P.A. 86-901.)

14 (420 ILCS 10/4) (from Ch. 111 1/2, par. 4354)
15 Sec. 4. Authorization. The Agency ~~Department~~ is authorized
16 to enter into any and all cooperative agreements with the
17 federal Nuclear Regulatory Commission consistent with the
18 applicable provisions of the Atomic Energy Act.
19 (Source: P.A. 86-901.)

20 (420 ILCS 10/5) (from Ch. 111 1/2, par. 4355)
21 Sec. 5. Program for Illinois nuclear power plant
22 inspectors.
23 (a) Consistent with federal law and policy statements of
24 and cooperative agreements with the Nuclear Regulatory
25 Commission with respect to State participation in health and
26 safety regulation of nuclear facilities, and in recognition of
27 the role provided for the states by such laws, policy
28 statements and cooperative agreements, the Agency ~~Department~~
29 shall develop and implement a program for Illinois resident
30 inspectors that, when fully implemented, shall provide for one
31 full-time Agency ~~Departmental~~ Illinois resident inspector at
32 each nuclear power plant in Illinois. The owner of each of the

1 nuclear power plants to which they are assigned shall provide,
2 at its expense, office space and equipment reasonably required
3 by the resident inspectors while they are on the premises of
4 the nuclear power plants. The Illinois resident inspectors
5 shall operate in accordance with a cooperative agreement
6 executed by the Agency ~~Department~~ and the Nuclear Regulatory
7 Commission and shall have access to the nuclear power plants to
8 which they have been assigned in accordance with that
9 agreement; provided, however, that the Illinois resident
10 inspectors shall have no greater access than is afforded to a
11 resident inspector of the Nuclear Regulatory Commission.

12 (b) The Agency ~~Department~~ may also inspect licensed nuclear
13 power plants that have permanently ceased operations. The
14 inspections shall be performed by inspectors qualified as
15 Illinois resident inspectors. The inspectors need not be
16 resident at nuclear power plants that have permanently ceased
17 operations. The inspectors shall conduct inspections in
18 accordance with a cooperative agreement executed by the Agency
19 (or its predecessor agency, the Department of Nuclear Safety)
20 and the Nuclear Regulatory Commission and shall have access to
21 the nuclear power plants that have permanently ceased
22 operations; provided, however, that the Illinois inspectors
23 shall have no greater access than is afforded to inspectors of
24 the Nuclear Regulatory Commission. The owner of each of the
25 nuclear power plants that has permanently ceased operations
26 shall provide, at its expense, office space and equipment
27 reasonably required by the inspectors while they are on the
28 premises of the nuclear power plants.

29 (c) The Illinois resident inspectors and inspectors
30 assigned under subsection (b) shall each operate in accordance
31 with the security plan for the nuclear power plant to which
32 they are assigned, but in no event shall they be required to
33 meet any requirements imposed by a nuclear power plant owner
34 that are not imposed on resident inspectors and inspectors of

1 the Nuclear Regulatory Commission. The Agency's ~~Department's~~
2 programs and activities under this Section shall not be
3 inconsistent with federal law.

4 (Source: P.A. 91-171, eff. 7-16-99.)

5 (420 ILCS 10/7) (from Ch. 111 1/2, par. 4357)

6 Sec. 7. The Agency ~~Department~~ shall not engage in any
7 program of Illinois resident inspectors or inspectors assigned
8 under subsection (b) of Section 5 at any nuclear power plant in
9 Illinois except as specifically directed by law.

10 (Source: P.A. 91-171, eff. 7-16-99.)

11 Section 20. The Spent Nuclear Fuel Act is amended by
12 changing Section 2 as follows:

13 (420 ILCS 15/2) (from Ch. 111 1/2, par. 230.22)

14 Sec. 2. No person may dispose of, store, or accept any
15 spent nuclear fuel which was used in any power generating
16 facility located outside this State, or transport into this
17 State for disposal or storage any spent nuclear fuel which was
18 used in any power generating facility located outside this
19 State, unless the state of origin of such spent nuclear fuel
20 has a facility, which is not part of a power generating
21 facility, for the disposal or storage of spent nuclear fuel
22 substantially like that of this State and has entered into a
23 reciprocity agreement with this State. The determination as to
24 whether the state of origin has a disposal or storage facility
25 for spent nuclear fuel substantially like that of this State is
26 to be made by the Director of the Illinois Emergency Management
27 Agency ~~Department of Nuclear Safety~~ and all reciprocity
28 agreements must be approved by a majority of the members of
29 both Houses of the General Assembly and approved and signed by
30 the Governor.

31 (Source: P.A. 81-1516, Art. II.)

1 Section 25. The Illinois Low-Level Radioactive Waste
2 Management Act is amended by changing Sections 3, 4, 5, 6, 7,
3 8, 9, 10, 10.2, 10.3, 11, 12.1, 13, 14, 15, 17, 18, and 21.1 as
4 follows:

5 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

6 Sec. 3. Definitions.

7 (a) "Broker" means any person who takes possession of
8 low-level waste for purposes of consolidation and shipment.

9 (b) "Compact" means the Central Midwest Interstate
10 Low-Level Radioactive Waste Compact.

11 (c) "Decommissioning" means the measures taken at the end
12 of a facility's operating life to assure the continued
13 protection of the public from any residual radioactivity or
14 other potential hazards present at a facility.

15 (d) "Agency" ~~"Department"~~ means the Illinois Emergency
16 Management Agency ~~Department of Nuclear Safety~~.

17 (e) "Director" means the Director of the Department of
18 Nuclear Safety or the Director of the Emergency Management
19 Agency (as successor to the Director of Nuclear Safety).

20 (f) "Disposal" means the isolation of waste from the
21 biosphere in a permanent facility designed for that purpose.

22 (g) "Facility" means a parcel of land or site, together
23 with structures, equipment and improvements on or appurtenant
24 to the land or site, which is used or is being developed for
25 the treatment, storage or disposal of low-level radioactive
26 waste. "Facility" does not include lands, sites, structures or
27 equipment used by a generator in the generation of low-level
28 radioactive wastes.

29 (h) "Generator" means any person who produces or possesses
30 low-level radioactive waste in the course of or incident to
31 manufacturing, power generation, processing, medical diagnosis
32 and treatment, research, education or other activity.

33 (i) "Hazardous waste" means a waste, or combination of

1 wastes, which because of its quantity, concentration, or
2 physical, chemical, or infectious characteristics may cause or
3 significantly contribute to an increase in mortality or an
4 increase in serious, irreversible, or incapacitating
5 reversible, illness; or pose a substantial present or potential
6 hazard to human health or the environment when improperly
7 treated, stored, transported, or disposed of, or otherwise
8 managed, and which has been identified, by characteristics or
9 listing, as hazardous under Section 3001 of the Resource
10 Conservation and Recovery Act of 1976, P.L. 94-580 or under
11 regulations of the Pollution Control Board.

12 (j) "High-level radioactive waste" means:

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

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

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

27 (l) "Mixed waste" means waste that is both "hazardous
28 waste" and "low-level radioactive waste" as defined in this
29 Act.

30 (m) "Person" means an individual, corporation, business
31 enterprise or other legal entity either public or private and
32 any legal successor, representative, agent or agency of that
33 individual, corporation, business enterprise, or legal entity.

34 (n) "Post-closure care" means the continued monitoring of

1 the regional disposal facility after closure for the purposes
2 of detecting a need for maintenance, ensuring environmental
3 safety, and determining compliance with applicable licensure
4 and regulatory requirements, and includes undertaking any
5 remedial actions necessary to protect public health and the
6 environment from radioactive releases from the facility.

7 (o) "Regional disposal facility" or "disposal facility"
8 means the facility established by the State of Illinois under
9 this Act for disposal away from the point of generation of
10 waste generated in the region of the Compact.

11 (p) "Release" means any spilling, leaking, pumping,
12 pouring, emitting, emptying, discharging, injecting, escaping,
13 leaching, dumping or disposing into the environment of
14 low-level radioactive waste.

15 (q) "Remedial action" means those actions taken in the
16 event of a release or threatened release of low-level
17 radioactive waste into the environment, to prevent or minimize
18 the release of the waste so that it does not migrate to cause
19 substantial danger to present or future public health or
20 welfare or the environment. The term includes, but is not
21 limited to, actions at the location of the release such as
22 storage, confinement, perimeter protection using dikes,
23 trenches or ditches, clay cover, neutralization, cleanup of
24 released low-level radioactive wastes, recycling or reuse,
25 dredging or excavations, repair or replacement of leaking
26 containers, collection of leachate and runoff, onsite
27 treatment or incineration, provision of alternative water
28 supplies and any monitoring reasonably required to assure that
29 these actions protect human health and the environment.

30 (q-5) "Scientific Surveys" means, collectively, the State
31 Geological Survey Division and the State Water Survey Division
32 of the Department of Natural Resources.

33 (r) "Shallow land burial" means a land disposal facility in
34 which radioactive waste is disposed of in or within the upper

1 30 meters of the earth's surface. However, this definition
2 shall not include an enclosed, engineered, structurally
3 re-enforced and solidified bunker that extends below the
4 earth's surface.

5 (s) "Storage" means the temporary holding of waste for
6 treatment or disposal for a period determined by Agency
7 ~~Department~~ regulations.

8 (t) "Treatment" means any method, technique or process,
9 including storage for radioactive decay, designed to change the
10 physical, chemical or biological characteristics or
11 composition of any waste in order to render the waste safer for
12 transport, storage or disposal, amenable to recovery,
13 convertible to another usable material or reduced in volume.

14 (u) "Waste management" means the storage, transportation,
15 treatment or disposal of waste.

16 (Source: P.A. 90-29, eff. 6-26-97.)

17 (420 ILCS 20/4) (from Ch. 111 1/2, par. 241-4)

18 Sec. 4. Generator and broker registration.

19 (a) All generators and brokers of any amount of low-level
20 radioactive waste in Illinois shall register with the Agency
21 ~~Department of Nuclear Safety~~. Generators shall register within
22 60 days of the commencement of generating any low-level
23 radioactive wastes. Brokers shall register within 60 days of
24 taking possession of any low-level radioactive waste. Such
25 registration shall be on a form developed by the Agency
26 ~~Department~~ and shall contain the name, address and officers of
27 the generator or broker, information on the types and amounts
28 of wastes produced or possessed and any other information
29 required by the Agency ~~Department~~.

30 (b) All registered generators and brokers of any amount of
31 low-level radioactive waste in Illinois shall file an annual
32 report with the Agency ~~Department~~. The annual report for
33 generators shall contain information on the types and

1 quantities of low-level wastes produced in the previous year
2 and expected to be produced in the future, the methods used to
3 manage these wastes, the technological feasibility, economic
4 reasonableness and environmental soundness of alternative
5 treatment, storage and disposal methods and any other
6 information required by the Agency ~~Department~~. The annual
7 report for brokers shall contain information on the types and
8 quantities of low-level radioactive wastes received and
9 shipped, identification of the generators from whom such wastes
10 were received, and the destination of shipments of such wastes.

11 (c) All registration forms and annual reports required to
12 be filed with the Agency ~~Department~~ shall be made available to
13 the public for inspection and copying.

14 (Source: P.A. 90-29, eff. 6-26-97.)

15 (420 ILCS 20/5) (from Ch. 111 1/2, par. 241-5)

16 Sec. 5. Requirements for disposal facility contractors;
17 operating agreements.

18 (a) The Department of Nuclear Safety or its successor
19 agency, the Illinois Emergency Management Agency, shall
20 promulgate rules and regulations establishing standards
21 applicable to the selection of a contractor or contractors for
22 the design, development, construction, and operation of a
23 low-level radioactive waste disposal facility away from the
24 point of generation necessary to protect human health and the
25 environment. The regulations shall establish, but need not be
26 limited to, the following:

27 (1) The number of contractors to design, develop, and
28 operate a low-level radioactive waste disposal facility;

29 (2) Requirements and standards relating to the
30 financial integrity of the firm;

31 (3) Requirements and standards relating to the
32 experience and performance history of the firm in the
33 design, development, construction and operation of

1 low-level radioactive waste disposal facilities; and

2 (4) Requirements and standards for the qualifications
3 of the employees of the firm.

4 The Department or the Agency shall hold at least one public
5 hearing before promulgating the regulations.

6 (b) The Department or the Agency may enter into one or more
7 operating agreements with a qualified operator of the regional
8 disposal facility, which agreement may contain such provisions
9 with respect to the construction, operation, closure, and
10 post-closure maintenance of the regional disposal facility by
11 the operator as the Department or the Agency shall determine,
12 including, without limitation, (i) provisions leasing, or
13 providing for the lease of, the site to the operator and
14 authorizing the operator to construct, own and operate the
15 facility and to transfer the facility to the Department or the
16 Agency ~~the~~ following the closure and any additional years of
17 post-closure maintenance that the Department or the Agency
18 shall determine; (ii) provisions granting exclusive rights to
19 the operator with respect to the disposal of low-level
20 radioactive waste in this State during the term of the
21 operating agreement; (iii) provisions authorizing the operator
22 to impose fees upon all persons using the facility as provided
23 in this Act and providing for the Department or the Agency to
24 audit the charges of the operator under the operating
25 agreement; and (iv) provisions relating to the obligations of
26 the operator and the Department or the Agency in the event of
27 any closure of the facility or any termination of the operating
28 agreement.

29 (Source: P.A. 90-29, eff. 6-26-97.)

30 (420 ILCS 20/6) (from Ch. 111 1/2, par. 241-6)

31 Sec. 6. Requirements for disposal facility.

32 (a) The Department of Nuclear Safety or its successor
33 agency, the Illinois Emergency Management Agency, shall as it

1 deems necessary to protect human health and the environment,
2 promulgate rules and regulations establishing standards
3 applicable to the regional disposal facility. The rules and
4 regulations shall reflect the best available management
5 technologies which are economically reasonable,
6 technologically feasible and environmentally sound for the
7 disposal of the wastes and shall establish, but need not be
8 limited to the establishment of:

9 (1) requirements and performance standards for the
10 design, construction, operation, maintenance and
11 monitoring of the low-level radioactive waste disposal
12 facility;

13 (2) requirements and standards for the keeping of
14 records and the reporting and retaining of data collected
15 by the contractor selected to operate the disposal
16 facility;

17 (3) requirements and standards for the technical
18 qualifications of the personnel of the contractor selected
19 to develop and operate the disposal facility;

20 (4) requirements and standards for establishing the
21 financial responsibility of the contractor selected to
22 operate the disposal facility;

23 (5) requirements and standards for the emergency
24 closure of the disposal facility; and

25 (6) requirements and standards for the closure,
26 decommissioning and post-closure care, monitoring,
27 maintenance and use of the disposal facility.

28 (b) The regulations shall include provisions requiring
29 that the contractor selected to operate the disposal facility
30 post a performance bond with the Department or the Agency or
31 show evidence of liability insurance or other means of
32 establishing financial responsibility in an amount sufficient
33 to adequately provide for any necessary remedial actions or
34 liabilities that might be incurred by the operation of the

1 disposal facility during the operating period and during a
2 reasonable period of post-closure care.

3 (c) The regulations adopted for the requirements and
4 performance standards of a disposal facility shall not provide
5 for the shallow land burial of low-level radioactive wastes.

6 (d) The Department or the Agency shall hold at least one
7 public hearing before adopting rules under this Section.

8 (e) All rules adopted under this Section shall be at least
9 as stringent as those promulgated by the U.S. Nuclear
10 Regulatory Commission under the Atomic Energy Act of 1954 (42
11 U.S.C. 2014) and any other applicable federal laws.

12 (f) The State of Illinois shall have no liability to any
13 person or entity by reason of a failure, delay, or cessation in
14 the operation of the disposal facility.

15 (Source: P.A. 90-29, eff. 6-26-97.)

16 (420 ILCS 20/7) (from Ch. 111 1/2, par. 241-7)

17 Sec. 7. Requirements for waste treatment. The Agency
18 ~~Department~~ shall promulgate rules and regulations establishing
19 standards applicable to the treatment of low-level radioactive
20 wastes disposed of in any facility in Illinois necessary to
21 protect human health and the environment. Such rules and
22 regulations shall reflect the best available treatment
23 technologies that are economically reasonable, technologically
24 feasible and environmentally sound for reducing the quantity
25 and radioactive quality of such wastes prior to land burial and
26 shall establish, but need not be limited to, requirements
27 respecting:

28 (1) the form in which low-level radioactive wastes may be
29 disposed;

30 (2) the use of treatment technologies for recycling,
31 compacting, solidifying or otherwise treating low-level
32 radioactive wastes prior to disposal; and

33 (3) the use of technologies for the treatment of such

1 wastes to minimize the radioactive characteristics of the waste
2 disposed of or to reduce the tendency of the waste to migrate
3 in geologic and hydrologic formations.

4 The Agency ~~Department~~ shall hold at least one public
5 hearing prior to promulgating such regulations.

6 (Source: P.A. 90-29, eff. 6-26-97.)

7 (420 ILCS 20/8) (from Ch. 111 1/2, par. 241-8)

8 Sec. 8. Requirements for waste facility licensing.

9 (a) No person shall operate any facility for the storage,
10 treatment, or disposal of low-level radioactive wastes away
11 from the point of generation in Illinois without a license
12 granted by the Department of Nuclear Safety or its successor
13 agency, the Illinois Emergency Management Agency.

14 (b) Each application for a license under this Section shall
15 contain such information as may be required by the Department
16 of Nuclear Safety or its successor agency, the Illinois
17 Emergency Management Agency, including, but not limited to,
18 information respecting:

19 (1) estimates of the quantities and types of wastes to
20 be stored, treated or disposed of at the facility;

21 (2) the design specifications and proposed operating
22 procedures of the facility necessary to assure compliance
23 with the rules adopted under Sections 6 and 7;

24 (3) financial and personnel information necessary to
25 assure the integrity and qualifications of the contractor
26 selected to operate the facility;

27 (4) a closure plan to ensure the proper closure,
28 decommissioning, and post-closure care of the disposal
29 facility; and

30 (5) a contingency plan to establish the procedures to
31 be followed in the event of unanticipated radioactive
32 releases.

33 (c) The Director may issue a license for the construction

1 and operation of a facility authorized by this Act, provided
2 the applicant for the license has complied with applicable
3 provisions of this Act and regulations of the Department of
4 Nuclear Safety or its successor agency, the Illinois Emergency
5 Management Agency. No license issued by the Director shall
6 authorize the disposal of mixed waste at any regional disposal
7 facility. In the event that an applicant or licensee proposes
8 modifications to a facility, or in the event that the Director
9 determines that modifications are necessary to conform to the
10 requirements of this Act, the Director may issue any license
11 modifications necessary to protect human health and the
12 environment and may specify the time allowed to complete the
13 modifications.

14 (d) Upon a determination by the Director of substantial
15 noncompliance with any license granted under this Act or upon a
16 determination that an emergency exists posing a significant
17 hazard to public health and the environment, the Director may
18 revoke a license issued under this Act. Before revoking any
19 license, the Director shall serve notice upon the alleged
20 violator setting forth the Sections of this Act, or the rules
21 adopted under this Act, that are alleged to have been violated.
22 The Director shall hold at least one public hearing not later
23 than 30 days following the notice.

24 (e) No person shall operate and the Director shall not
25 issue any license under this Section to operate any disposal
26 facility for the shallow land burial of low-level radioactive
27 wastes in Illinois.

28 (f) (Blank).

29 (g) Notwithstanding subsection (d) of Section 10.3 of this
30 Act, a license issued by the Department of Nuclear Safety or
31 its successor agency, the Illinois Emergency Management
32 Agency, to operate any regional disposal facility shall be
33 revoked as a matter of law to the extent that the license
34 authorizes disposal if:

1 (1) the facility accepts for disposal byproduct
2 material as defined in Section 11e(2) of the Atomic Energy
3 Act of 1954 (42 U.S.C. 2014), high-level radioactive waste
4 or mixed waste, and

5 (2) (A) if the facility is located more than 1 1/2
6 miles from the boundary of a municipality and the county in
7 which the facility is located passes an ordinance ordering
8 the license revoked, or

9 (B) if the facility is located within a municipality or
10 within 1 1/2 miles of the boundary of a municipality and
11 that municipality passes an ordinance ordering the license
12 revoked.

13 (Source: P.A. 90-29, eff. 6-26-97.)

14 (420 ILCS 20/9) (from Ch. 111 1/2, par. 241-9)

15 Sec. 9. Requirements for waste transporters.

16 (a) No person shall transport any low-level radioactive
17 waste to a storage, treatment or disposal facility in Illinois
18 licensed under Section 8 without a permit granted by the
19 Department of Nuclear Safety or its successor agency, the
20 Illinois Emergency Management Agency.

21 (b) No person shall transport any low-level radioactive
22 waste to a storage, treatment or disposal facility licensed
23 under Section 8 without a manifest document. The Department of
24 Nuclear Safety or its successor agency, the Illinois Emergency
25 Management Agency, shall develop the form for such manifests
26 and shall promulgate rules and regulations establishing a
27 system of tracking wastes from their point of generation to
28 storage, treatment, and ultimate disposal.

29 (c) Each application for a permit under this Section shall
30 contain any information as may be required under regulations
31 promulgated by the Department of Nuclear Safety or its
32 successor agency, the Illinois Emergency Management Agency,
33 including, but not limited to, information respecting:

1 (1) The name, address, and telephone number of the
2 applicant ~~estimated quantities and types of wastes to be~~
3 ~~transported to a facility located in Illinois;~~

4 (2) The name of a contact person for the applicant and
5 applicable contact information ~~procedures and methods used~~
6 ~~to monitor and inspect the shipments to ensure that leakage~~
7 ~~or spills do not occur;~~

8 (3) The radioactive materials license number and
9 licensing agency for the applicant; and ~~timetables~~
10 ~~according to which the wastes are to be shipped.~~

11 (4) A certification by the applicant that the applicant
12 will make lawful and suitable arrangements for the final
13 disposition of the waste or that it will retrieve and
14 reclaim physical possession of the waste in the event final
15 disposition or storage has not been arranged. ~~The~~
16 ~~qualifications and training of personnel handling~~
17 ~~low-level radioactive waste; and~~

18 ~~(5) The use of interim storage and transshipment~~
19 ~~facilities.~~

20 (d) The Director may issue a permit to any applicant who
21 has met and whom he believes will comply with the requirements
22 of the Illinois Hazardous Materials Transportation Act and any
23 other applicable State or federal laws or regulations. In the
24 event that an applicant or permittee proposes modifications of
25 a permit, or in the event that the Director determines that
26 modifications are necessary to conform with the requirements of
27 the Act, the Director may issue any permit modifications
28 necessary to protect human health and the environment and may
29 specify the time allowed to complete the modifications.

30 (e) The Illinois Emergency Management Agency ~~Department~~
31 shall inspect each shipment of low-level radioactive wastes
32 received at the regional disposal facility for compliance with
33 the packaging, placarding and other requirements established
34 by rules and regulations promulgated by the Illinois Department

1 of Transportation under the Illinois Hazardous Materials
2 Transportation Act and any other applicable State or federal
3 regulations. The Agency Department shall notify the Attorney
4 General of any apparent violations for possible prosecution
5 under Sections 11 and 12 of that Act.

6 (Source: P.A. 90-29, eff. 6-26-97.)

7 (420 ILCS 20/10) (from Ch. 111 1/2, par. 241-10)

8 Sec. 10. Disposal facility contractor selection. Upon
9 adopting the regulations establishing requirements for waste
10 disposal facilities provided for in Section 6, the Department
11 of Nuclear Safety or its successor agency, the Illinois
12 Emergency Management Agency, shall solicit proposals for the
13 selection of one or more contractors to site, design, develop,
14 construct, operate, close, provide post-closure care for, and
15 decommission the disposal facility. Not later than 6 months
16 after the solicitation of proposals, the Director shall select
17 the applicant who has submitted the proposal that best conforms
18 to the requirements of this Act and to the rules adopted under
19 this Act.

20 (Source: P.A. 90-29, eff. 6-26-97.)

21 (420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

22 Sec. 10.2. Creation of Low-Level Radioactive Waste Task
23 Group; adoption of criteria; selection of site for
24 characterization.

25 (a) There is hereby created the Low-Level Radioactive Waste
26 Task Group consisting of the Directors of the Environmental
27 Protection Agency, the Department of Natural Resources, and the
28 Department of Nuclear Safety (or their designees) and 6
29 additional members designated by the Governor. The 6 additional
30 members shall:

31 (1) be confirmed by the Senate; and

32 (2) receive compensation of \$300 per day for their

1 services on the Task Group unless they are officers or
2 employees of the State, in which case they shall receive no
3 additional compensation.

4 Four of the additional members shall have expertise in the
5 field of geology, hydrogeology, or hydrology. Of the 2
6 remaining additional members, one shall be a member of the
7 public with experience in environmental matters and one shall
8 have at least 5 years experience in local government. The
9 Directors of the Environmental Protection Agency, the
10 Department of Natural Resources, and the Department of Nuclear
11 Safety (or their designees) shall receive no additional
12 compensation for their service on the Task Group. All members
13 of the Task Group shall be compensated for their expenses. The
14 Governor shall designate the chairman of the Task Group. Upon
15 adoption of the criteria under subsection (b) of this Section,
16 the Directors of the Department of Nuclear Safety and the
17 Environmental Protection Agency shall be replaced on the Task
18 Group by members designated by the Governor and confirmed by
19 the Senate. The members designated to replace the Directors of
20 the Department of Nuclear Safety and the Environmental
21 Protection Agency shall have such expertise as the Governor may
22 determine. The members of the Task Group shall be members until
23 they resign, are replaced by the Governor, or the Task Group is
24 abolished. Except as provided in this Act, the Task Group shall
25 be subject to the Open Meetings Act and the Illinois
26 Administrative Procedure Act. Any action required to be taken
27 by the Task Group under this Act shall be taken by a majority
28 vote of its members. An identical vote by 5 members of the Task
29 Group shall constitute a majority vote.

30 (b) To protect the public health, safety and welfare, the
31 Task Group shall develop proposed criteria for selection of a
32 site for a regional disposal facility. Principal criteria shall
33 relate to the geographic, geologic, seismologic, tectonic,
34 hydrologic, and other scientific conditions best suited for a

1 regional disposal facility. Supplemental criteria may relate
2 to land use (including (i) the location of existing underground
3 mines and (ii) the exclusion of State parks, State conservation
4 areas, and other State owned lands identified by the Task
5 Group), economics, transportation, meteorology, and any other
6 matter identified by the Task Group as relating to desirable
7 conditions for a regional disposal facility. All of the
8 criteria shall be as specific as possible.

9 The chairman of the Task Group shall publish a notice of
10 availability of the proposed criteria in the State newspaper,
11 make copies of the proposed criteria available without charge
12 to the public, and hold public hearings to receive comments on
13 the proposed criteria. Written comments on the proposed
14 criteria may be submitted to the chairman of the Task Group
15 within a time period to be determined by the Task Group. Upon
16 completion of the review of timely submitted comments on the
17 proposed criteria, the Task Group shall adopt criteria for
18 selection of a site for a regional disposal facility. Adoption
19 of the criteria is not subject to the Illinois Administrative
20 Procedure Act. The chairman of the Task Group shall provide
21 copies of the criteria to the Governor, the President and
22 Minority Leader of the Senate, the Speaker and Minority Leader
23 of the House, and all county boards in the State of Illinois
24 and shall make copies of the criteria available without charge
25 to the public.

26 (c) Upon adoption of the criteria, the Director of Natural
27 Resources shall direct the Scientific Surveys to screen the
28 State of Illinois. By September 30, 1997, the Scientific
29 Surveys shall (i) complete a Statewide screening of the State
30 using available information and the Surveys' geography-based
31 information system to produce individual and composite maps
32 showing the application of individual criteria; (ii) complete
33 the evaluation of all land volunteered before the effective
34 date of this amendatory Act of 1997 to determine whether any of

1 the volunteered land appears likely to satisfy the criteria;
2 (iii) document the results of the screening and volunteer site
3 evaluations in a written report and submit the report to the
4 chairman of the Task Group and to the Director of Nuclear
5 Safety; and (iv) transmit to the Task Group and to the
6 Department of Nuclear Safety, in a form specified by the Task
7 Group and the Department, all information and documents
8 assembled by the Scientific Surveys in performing the
9 obligations of the Scientific Surveys under this Act. Upon
10 completion of the screening and volunteer site evaluation
11 process, the Director of the Department of Natural Resources
12 shall be replaced on the Task Group by a member appointed by
13 the Governor and confirmed by the Senate. The member appointed
14 to replace the Director of the Department of Natural Resources
15 shall have expertise that the Governor determines to be
16 appropriate.

17 (c-3) By December 1, 2000, the Department of Nuclear
18 Safety, in consultation with the Task Group, waste generators,
19 and any interested counties and municipalities and after
20 holding 3 public hearings throughout the State, shall prepare a
21 report regarding, at a minimum, the impact and ramifications,
22 if any, of the following factors and circumstances on the
23 siting, design, licensure, development, construction,
24 operation, closure, and post-closure care of a regional
25 disposal facility:

26 (1) the federal, state, and regional programs for the
27 siting, development, and operation of disposal facilities
28 for low-level radioactive wastes and the nature, extent,
29 and likelihood of any legislative or administrative
30 changes to those programs;

31 (2) (blank);

32 (3) the current and most reliable projections
33 regarding the costs of the siting, design, development,
34 construction, operation, closure, decommissioning, and

1 post-closure care of a regional disposal facility;

2 (4) the current and most reliable estimates of the
3 total volume of low-level radioactive waste that will be
4 disposed at a regional disposal facility in Illinois and
5 the projected annual volume amounts;

6 (5) the nature and extent of the available, if any,
7 storage and disposal facilities outside the region of the
8 Compact for storage and disposal of low-level radioactive
9 waste generated from within the region of the Compact; and

10 (6) the development and implementation of a voluntary
11 site selection process in which land may be volunteered for
12 the regional disposal facility jointly by landowners and
13 (i) the municipality in which the land is located, (ii)
14 every municipality within 1 1/2 miles of the land if the
15 land is not within a municipality, or (iii) the county or
16 counties in which the land is located if the land is not
17 within a municipality and not within 1 1/2 miles of a
18 municipality. The Director of Nuclear Safety shall provide
19 copies of the report to the Governor, the President and
20 Minority Leader of the Senate, and the Speaker and Minority
21 Leader of the House. The Director shall also publish a
22 notice of availability of the report in the State newspaper
23 and make copies of the report available without charge to
24 the public.

25 (c-5) Following submittal of the report pursuant to
26 subsection (c-3) of this Section, the Department of Nuclear
27 Safety or its successor agency, the Illinois Emergency
28 Management Agency, may adopt rules establishing a site
29 selection process for the regional disposal facility. In
30 developing rules, the Department or the Agency shall, at a
31 minimum, consider the following:

32 (1) A comprehensive and open process under which the
33 land for sites recommended and proposed by the contractor
34 under subsection (e) of this Section shall be volunteered

1 lands as provided in this Section. Land may be volunteered
2 for the regional disposal facility jointly by landowners
3 and (i) the municipality in which the land is located, (ii)
4 every municipality with 1 1/2 miles of the land if the land
5 is not within a municipality, or (iii) the county or
6 counties in which the land is located if the land is not
7 within a municipality and not within 1 1/2 miles of a
8 municipality.

9 (2) Utilization of the State screening and volunteer
10 site evaluation report prepared by the Scientific Surveys
11 under subsection (c) of this Section for the purpose of
12 determining whether proposed sites appear likely to
13 satisfy the site selection criteria.

14 (3) Coordination of the site selection process with the
15 projected annual and total volume of low-level radioactive
16 waste to be disposed at the regional disposal facility as
17 identified in the report prepared under subsection (c-3) of
18 this Section.

19 The site selection process established under this
20 subsection shall require the contractor selected by the
21 Department or the Agency pursuant to Sections 5 and 10 of this
22 Act to propose one site to the Task Group for approval under
23 subsections (d) through (i) of this Section.

24 No proposed site shall be selected as the site for the
25 regional disposal facility unless it satisfies the site
26 selection criteria established by the Task Group under
27 subsection (b) of this Section.

28 (d) The contractor selected by the Department of Nuclear
29 Safety or its successor agency, the Illinois Emergency
30 Management Agency, under Sections 5 and 10 of this Act shall
31 conduct evaluations, including possible intrusive field
32 investigations, of the sites and locations identified under the
33 site selection process established under subsection (c-5) of
34 this Section.

1 (e) Upon completion of the site evaluations, the contractor
2 selected by the Department or the Agency shall identify one
3 site of at least 640 acres that appears promising for
4 development of the regional disposal facility in compliance
5 with the site selection criteria established by the Task Group
6 pursuant to subsection (b) of this Section. The contractor may
7 conduct any other evaluation of the site identified under this
8 subsection that the contractor deems appropriate to determine
9 whether the site satisfies the criteria adopted under
10 subsection (b) of this Section. Upon completion of the
11 evaluations under this subsection, the contractor shall
12 prepare and submit to the Department or the Agency a report on
13 the evaluation of the identified site, including a
14 recommendation as to whether the identified site should be
15 further considered for selection as a site for the regional
16 disposal facility. A site so recommended for further
17 consideration is hereinafter referred to as a "proposed site".

18 (f) A report completed under subsection (e) of this Section
19 that recommends a proposed site shall also be submitted to the
20 chairman of the Task Group. Within 45 days following receipt of
21 a report, the chairman of the Task Group shall publish in
22 newspapers of general circulation in the county or counties in
23 which a proposed site is located a notice of the availability
24 of the report and a notice of a public meeting. The chairman of
25 the Task Group shall also, within the 45-day period, provide
26 copies of the report and the notice to the Governor, the
27 President and Minority Leader of the Senate, the Speaker and
28 Minority Leader of the House, members of the General Assembly
29 from the legislative district or districts in which a proposed
30 site is located, the county board or boards of the county or
31 counties containing a proposed site, and each city, village,
32 and incorporated town within a 5 mile radius of a proposed
33 site. The chairman of the Task Group shall make copies of the
34 report available without charge to the public.

1 (g) The chairman of the Task Group shall convene at least
2 one public meeting on each proposed site. At the public meeting
3 or meetings, the contractor selected by the Department of
4 Nuclear Safety or its successor agency, the Illinois Emergency
5 Management Agency, shall present the results of the evaluation
6 of the proposed site. The Task Group shall receive such other
7 written and oral information about the proposed site that may
8 be submitted at the meeting. Following the meeting, the Task
9 Group shall decide whether the proposed site satisfies the
10 criteria adopted under subsection (b) of this Section. If the
11 Task Group determines that the proposed site does not satisfy
12 the criteria, the Department or the Agency may require a
13 contractor to submit a further report pursuant to subsection
14 (e) of this Section proposing another site from the locations
15 identified under the site selection process established
16 pursuant to subsection (c-5) of this Section as likely to
17 satisfy the criteria. Following notice and distribution of the
18 report as required by subsection (f) of this Section, the new
19 proposed site shall be the subject of a public meeting under
20 this subsection. The contractor selected by the Department or
21 the Agency shall propose additional sites, and the Task Group
22 shall conduct additional public meetings, until the Task Group
23 has approved a proposed site recommended by a contractor as
24 satisfying the criteria adopted under subsection (b) of this
25 Section. In the event that the Task Group does not approve any
26 of the proposed sites recommended by the contractor under this
27 subsection as satisfying the criteria adopted under subsection
28 (b) of this Section, the Task Group shall immediately suspend
29 all work and the Department or the Agency shall prepare a study
30 containing, at a minimum, the Department's or the Agency's
31 recommendations regarding the viability of the site selection
32 process established pursuant to this Act, based on the factors
33 and circumstances specified in items (1) through (6) of
34 subsection (c-3) of Section 10.2. The Department or the Agency

1 shall provide copies of the study to the Governor, the
2 President and Minority Leader of the Senate, and the Speaker
3 and Minority Leader of the House. The Department or the Agency
4 shall also publish a notice of availability of the study in the
5 State newspaper and make copies of the report available without
6 charge to the public.

7 (h) (Blank).

8 (i) Upon the Task Group's decision that a proposed site
9 satisfies the criteria adopted under subsection (b) of this
10 Section, the contractor shall proceed with the
11 characterization and licensure of the proposed site under
12 Section 10.3 of this Act and the Task Group shall immediately
13 suspend all work, except as otherwise specifically required in
14 subsection (b) of Section 10.3 of this Act.

15 (Source: P.A. 90-29, eff. 6-26-97; 91-601, eff. 8-16-99.)

16 (420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

17 Sec. 10.3. Site characterization; license application;
18 adjudicatory hearing; exclusivity.

19 (a) If the contractor, following characterization,
20 determines that the proposed site is appropriate for the
21 development of a regional disposal facility, (i) the contractor
22 shall submit to the Department of Nuclear Safety or its
23 successor agency, the Illinois Emergency Management Agency, an
24 application for a license to construct and operate the facility
25 at the selected site and (ii) the Task Group shall be abolished
26 and its records transferred to the Department or the Agency.

27 (b) If the contractor determines, following or at any time
28 during characterization of the site proposed under Section 10.2
29 of this Act, that the proposed site is not appropriate for the
30 development of a regional disposal facility, the Department of
31 Nuclear Safety or its successor agency, the Illinois Emergency
32 Management Agency, may require the contractor to propose an
33 additional site to the Task Group from the locations identified

1 under the site selection process established under subsection
2 (c-5) of Section 10.2 that is likely to satisfy the criteria
3 adopted under subsection (b) of Section 10.2. The new proposed
4 site shall be the subject of public notice, distribution, and
5 public meeting conducted by the Task Group under the procedures
6 set forth in subsections (f) and (g) of Section 10.2 of this
7 Act. The contractor selected by the Department or the Agency
8 shall propose additional sites and the Task Group shall conduct
9 additional public meetings until (i) the Task Group has
10 approved a proposed site recommended by a contractor as
11 satisfying the criteria adopted under subsection (b) of Section
12 10.2, and (ii) the contractor has determined, following
13 characterization, that the site is appropriate for the
14 development of the regional disposal facility. Upon the
15 selection of a proposed site under this subsection, (i) the
16 contractor shall submit to the Department or the Agency an
17 application for a license to construct and operate a regional
18 disposal facility at the selected site and (ii) the Task Group
19 shall be abolished and its records transferred to the
20 Department or the Agency.

21 (c) The Department of Nuclear Safety or its successor
22 agency, the Illinois Emergency Management Agency, shall review
23 the license application filed pursuant to Section 8 and
24 subsections (a) and (b) of this Section in accordance with its
25 rules and the agreement between the State of Illinois and the
26 Nuclear Regulatory Commission under Section 274 of the Atomic
27 Energy Act. If the Department or the Agency determines that the
28 license should be issued, the Department or the Agency shall
29 publish in the State newspaper a notice of intent to issue the
30 license. Objections to issuance of the license may be filed
31 within 90 days of publication of the notice. Upon receipt of
32 objections, the Director shall appoint a hearing officer who
33 shall conduct an adjudicatory hearing on the objections. The
34 burden of proof at the hearing shall be on the person filing

1 the objections. Upon completion of the hearing, the hearing
2 officer shall recommend to the Director whether the license
3 should be issued. The decision of the Director to issue or deny
4 the license may be appealed under Section 18.

5 (d) The procedures, criteria, terms, and conditions set
6 forth in this Act, and in the rules adopted under this Act, for
7 the treatment, storage, and disposal of low-level radioactive
8 waste and for the siting, licensure, design, construction,
9 maintenance, operation, closure, decommissioning, and
10 post-closure care of the regional disposal facility shall be
11 the exclusive procedures, criteria, terms, and conditions for
12 those matters.

13 (Source: P.A. 90-29, eff. 6-26-97.)

14 (420 ILCS 20/11) (from Ch. 111 1/2, par. 241-11)

15 Sec. 11. Report by the Agency ~~Department~~.

16 (a) (Blank).

17 (b) (Blank).

18 (c) At any time necessary, as determined by the Director,
19 to ensure proper planning and policy responses relating to the
20 continued availability of facilities for the storage and
21 disposal of low-level radioactive wastes, the Agency
22 ~~Department~~ shall deliver to the Governor, the President and
23 Minority Leader of the Senate, and the Speaker and Minority
24 Leader of the House a report that shall include, at a minimum,
25 an analysis of the impacts of restrictions on disposal of
26 low-level radioactive waste at commercial disposal facilities
27 outside the State of Illinois and the Agency's ~~Department's~~
28 analysis of, and recommendations regarding, the feasibility of
29 a centralized interim storage facility for low-level
30 radioactive waste generated within the region of the Compact
31 and the nature and extent, if any, of the generator's or any
32 other entity's responsibility for or title to the waste to be
33 stored at a centralized interim storage facility after the

1 waste has been delivered to that facility.

2 (Source: P.A. 90-29, eff. 6-26-97; 91-601, eff. 8-16-99.)

3 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

4 Sec. 13. Waste fees.

5 (a) The Department of Nuclear Safety or its successor
6 agency, the Illinois Emergency Management Agency, shall
7 collect a fee from each generator of low-level radioactive
8 wastes in this State. Except as provided in subsections (b),
9 (c), and (d), the amount of the fee shall be \$50.00 or the
10 following amount, whichever is greater:

11 (1) \$1 per cubic foot of waste shipped for storage,
12 treatment or disposal if storage of the waste for shipment
13 occurred prior to September 7, 1984;

14 (2) \$2 per cubic foot of waste stored for shipment if
15 storage of the waste occurs on or after September 7, 1984,
16 but prior to October 1, 1985;

17 (3) \$3 per cubic foot of waste stored for shipment if
18 storage of the waste occurs on or after October 1, 1985;

19 (4) \$2 per cubic foot of waste shipped for storage,
20 treatment or disposal if storage of the waste for shipment
21 occurs on or after September 7, 1984 but prior to October
22 1, 1985, provided that no fee has been collected previously
23 for storage of the waste;

24 (5) \$3 per cubic foot of waste shipped for storage,
25 treatment or disposal if storage of the waste for shipment
26 occurs on or after October 1, 1985, provided that no fees
27 have been collected previously for storage of the waste.

28 Such fees shall be collected annually or as determined by
29 the Department or the Agency and shall be deposited in the
30 low-level radioactive waste funds as provided in Section 14 of
31 this Act. Notwithstanding any other provision of this Act, no
32 fee under this Section shall be collected from a generator for
33 waste generated incident to manufacturing before December 31,

1 1980, and shipped for disposal outside of this State before
2 December 31, 1992, as part of a site reclamation leading to
3 license termination.

4 (b) Each nuclear power reactor in this State for which an
5 operating license has been issued by the Nuclear Regulatory
6 Commission shall not be subject to the fee required by
7 subsection (a) with respect to (1) waste stored for shipment if
8 storage of the waste occurs on or after January 1, 1986; and
9 (2) waste shipped for storage, treatment or disposal if storage
10 of the waste for shipment occurs on or after January 1, 1986.
11 In lieu of the fee, each reactor shall be required to pay an
12 annual fee as provided in this subsection for the treatment,
13 storage and disposal of low-level radioactive waste. Beginning
14 with State fiscal year 1986 and through State fiscal year 1997,
15 fees shall be due and payable on January 1st of each year. For
16 State fiscal year 1998 and all subsequent State fiscal years,
17 fees shall be due and payable on July 1 of each fiscal year.
18 The fee due on July 1, 1997 shall be payable on that date, or
19 within 10 days after the effective date of this amendatory Act
20 of 1997, whichever is later.

21 The owner of any nuclear power reactor that has an
22 operating license issued by the Nuclear Regulatory Commission
23 for any portion of State fiscal year 1998 shall continue to pay
24 an annual fee of \$90,000 for the treatment, storage, and
25 disposal of low-level radioactive waste through State fiscal
26 year 2002. The fee shall be due and payable on July 1 of each
27 fiscal year. The fee due on July 1, 1998 shall be payable on
28 that date, or within 10 days after the effective date of this
29 amendatory Act of 1998, whichever is later. If the balance in
30 the Low-Level Radioactive Waste Facility Development and
31 Operation Fund falls below \$500,000, as of the end of any
32 fiscal year after fiscal year 2002, the Department (before July
33 1, 2003) or the Agency (on and after July 1, 2003) is
34 authorized to assess by rule, after notice and a hearing, an

1 additional annual fee to be paid by the owners of nuclear power
2 reactors for which operating licenses have been issued by the
3 Nuclear Regulatory Commission, except that no additional
4 annual fee shall be assessed because of the fund balance at the
5 end of fiscal year 2005 or the end of fiscal year 2006. The
6 additional annual fee shall be payable on the date or dates
7 specified by rule and shall not exceed \$30,000 per operating
8 reactor per year.

9 (c) In each of State fiscal years 1988, 1989 and 1990, in
10 addition to the fee imposed in subsections (b) and (d), the
11 owner of each nuclear power reactor in this State for which an
12 operating license has been issued by the Nuclear Regulatory
13 Commission shall pay a fee of \$408,000. If an operating license
14 is issued during one of those 3 fiscal years, the owner shall
15 pay a prorated amount of the fee equal to \$1,117.80 multiplied
16 by the number of days in the fiscal year during which the
17 nuclear power reactor was licensed.

18 The fee shall be due and payable as follows: in fiscal year
19 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
20 shall be paid on each of January 1, 1988 and April 1, 1988; in
21 fiscal year 1989, \$102,000 shall be paid on each of July 1,
22 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
23 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
24 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
25 the operating license is issued during one of the 3 fiscal
26 years, the owner shall be subject to those payment dates, and
27 their corresponding amounts, on which the owner possesses an
28 operating license and, on June 30 of the fiscal year of
29 issuance of the license, whatever amount of the prorated fee
30 remains outstanding.

31 All of the amounts collected by the Department or the
32 Agency under this subsection (c) shall be deposited into the
33 Low-Level Radioactive Waste Facility Development and Operation
34 Fund created under subsection (a) of Section 14 of this Act and

1 expended, subject to appropriation, for the purposes provided
2 in that subsection.

3 (d) In addition to the fees imposed in subsections (b) and
4 (c), the owners of nuclear power reactors in this State for
5 which operating licenses have been issued by the Nuclear
6 Regulatory Commission shall pay the following fees for each
7 such nuclear power reactor: for State fiscal year 1989,
8 \$325,000 payable on October 1, 1988, \$162,500 payable on
9 January 1, 1989, and \$162,500 payable on April 1, 1989; for
10 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
11 payable on October 1, \$300,000 payable on January 1 and
12 \$300,000 payable on April 1; for State fiscal year 1991, either
13 (1) \$150,000 payable on July 1, \$650,000 payable on September
14 1, \$675,000 payable on January 1, and \$275,000 payable on April
15 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
16 month from August through December, \$225,000 on the first day
17 of each month from January through March and \$92,000 on the
18 first day of each month from April through June; for State
19 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
20 on September 1, \$300,000 payable on October 1, \$150,000 payable
21 on January 1, and \$100,000 payable on April 1; for State fiscal
22 year 1993, \$100,000 payable on July 1, \$230,000 payable on
23 August 1 or within 10 days after July 31, 1992, whichever is
24 later, and \$355,000 payable on October 1; for State fiscal year
25 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
26 and \$75,000 payable on April 1; for State fiscal year 1995,
27 \$100,000 payable on July 1, \$75,000 payable on October 1, and
28 \$75,000 payable on April 1, for State fiscal year 1996,
29 \$100,000 payable on July 1, \$75,000 payable on October 1, and
30 \$75,000 payable on April 1. The owner of any nuclear power
31 reactor that has an operating license issued by the Nuclear
32 Regulatory Commission for any portion of State fiscal year 1998
33 shall pay an annual fee of \$30,000 through State fiscal year
34 2003. For State fiscal year 2004 and subsequent fiscal years,

1 the owner of any nuclear power reactor that has an operating
2 license issued by the Nuclear Regulatory Commission shall pay
3 an annual fee of \$30,000 per reactor, provided that the fee
4 shall not apply to a nuclear power reactor with regard to which
5 the owner notified the Nuclear Regulatory Commission during
6 State fiscal year 1998 that the nuclear power reactor
7 permanently ceased operations. The fee shall be due and payable
8 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
9 be payable on that date, or within 10 days after the effective
10 date of this amendatory Act of 1998, whichever is later. The
11 fee due on July 1, 1997 shall be payable on that date or within
12 10 days after the effective date of this amendatory Act of
13 1997, whichever is later. If the payments under this subsection
14 for fiscal year 1993 due on January 1, 1993, or on April 1,
15 1993, or both, were due before the effective date of this
16 amendatory Act of the 87th General Assembly, then those
17 payments are waived and need not be made.

18 All of the amounts collected by the Department or the
19 Agency under this subsection (d) shall be deposited into the
20 Low-Level Radioactive Waste Facility Development and Operation
21 Fund created pursuant to subsection (a) of Section 14 of this
22 Act and expended, subject to appropriation, for the purposes
23 provided in that subsection.

24 All payments made by licensees under this subsection (d)
25 for fiscal year 1992 that are not appropriated and obligated by
26 the Department of Nuclear Safety above \$1,750,000 per reactor
27 in fiscal year 1992, shall be credited to the licensees making
28 the payments to reduce the per reactor fees required under this
29 subsection (d) for fiscal year 1993.

30 (e) The Agency ~~Department~~ shall promulgate rules and
31 regulations establishing standards for the collection of the
32 fees authorized by this Section. The regulations shall include,
33 but need not be limited to:

34 (1) the records necessary to identify the amounts of

1 low-level radioactive wastes produced;

2 (2) the form and submission of reports to accompany the
3 payment of fees to the Agency Department; and

4 (3) the time and manner of payment of fees to the
5 Agency Department, which payments shall not be more
6 frequent than quarterly.

7 (f) Any operating agreement entered into under subsection
8 (b) of Section 5 of this Act between the Department of Nuclear
9 Safety or its successor agency, the Illinois Emergency
10 Management Agency, and any disposal facility contractor shall,
11 subject to the provisions of this Act, authorize the contractor
12 to impose upon and collect from persons using the disposal
13 facility fees designed and set at levels reasonably calculated
14 to produce sufficient revenues (1) to pay all costs and
15 expenses properly incurred or accrued in connection with, and
16 properly allocated to, performance of the contractor's
17 obligations under the operating agreement, and (2) to provide
18 reasonable and appropriate compensation or profit to the
19 contractor under the operating agreement. For purposes of this
20 subsection (f), the term "costs and expenses" may include,
21 without limitation, (i) direct and indirect costs and expenses
22 for labor, services, equipment, materials, insurance and other
23 risk management costs, interest and other financing charges,
24 and taxes or fees in lieu of taxes; (ii) payments to or
25 required by the United States, the State of Illinois or any
26 agency or department thereof, the Central Midwest Interstate
27 Low-Level Radioactive Waste Compact, and subject to the
28 provisions of this Act, any unit of local government; (iii)
29 amortization of capitalized costs with respect to the disposal
30 facility and its development, including any capitalized
31 reserves; and (iv) payments with respect to reserves, accounts,
32 escrows or trust funds required by law or otherwise provided
33 for under the operating agreement.

34 (g) (Blank).

1 (h) (Blank).

2 (i) (Blank).

3 (j) (Blank).

4 (j-5) Prior to commencement of facility operations, the
5 Agency Department shall adopt rules providing for the
6 establishment and collection of fees and charges with respect
7 to the use of the disposal facility as provided in subsection
8 (f) of this Section.

9 (k) The regional disposal facility shall be subject to ad
10 valorem real estate taxes lawfully imposed by units of local
11 government and school districts with jurisdiction over the
12 facility. No other local government tax, surtax, fee or other
13 charge on activities at the regional disposal facility shall be
14 allowed except as authorized by the Agency Department.

15 (l) The Agency Department shall have the power, in the
16 event that acceptance of waste for disposal at the regional
17 disposal facility is suspended, delayed or interrupted, to
18 impose emergency fees on the generators of low-level
19 radioactive waste. Generators shall pay emergency fees within
20 30 days of receipt of notice of the emergency fees. The Agency
21 ~~Department~~ shall deposit all of the receipts of any fees
22 collected under this subsection into the Low-Level Radioactive
23 Waste Facility Development and Operation Fund created under
24 subsection (b) of Section 14. Emergency fees may be used to
25 mitigate the impacts of the suspension or interruption of
26 acceptance of waste for disposal. The requirements for
27 rulemaking in the Illinois Administrative Procedure Act shall
28 not apply to the imposition of emergency fees under this
29 subsection.

30 (m) The Agency Department shall promulgate any other rules
31 and regulations as may be necessary to implement this Section.

32 (Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05.)

33 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

1 Sec. 14. Waste management funds.

2 (a) There is hereby created in the State treasury a special
3 fund to be known as the "Low-Level Radioactive Waste Facility
4 Development and Operation Fund". All monies within the
5 Low-Level Radioactive Waste Facility Development and Operation
6 Fund shall be invested by the State Treasurer in accordance
7 with established investment practices. Interest earned by such
8 investment shall be returned to the Low-Level Radioactive Waste
9 Facility Development and Operation Fund. Except as otherwise
10 provided in this subsection, the Department of Nuclear Safety
11 or its successor agency, the Illinois Emergency Management
12 Agency, shall deposit 80% of all receipts from the fees
13 required under subsections (a) and (b) of Section 13 in the
14 State Treasury to the credit of this Fund. Beginning July 1,
15 1997, and until December 31 of the year in which the Task Group
16 approves a proposed site under Section 10.3, the Department or
17 the Agency shall deposit all fees collected under subsections
18 (a) and (b) of Section 13 of this Act into the Fund. Subject to
19 appropriation, the Department or the Agency is authorized to
20 expend all moneys in the Fund in amounts it deems necessary
21 for:

22 (1) hiring personnel and any other operating and
23 contingent expenses necessary for the proper
24 administration of this Act;

25 (2) contracting with any firm for the purpose of
26 carrying out the purposes of this Act;

27 (3) grants to the Central Midwest Interstate Low-Level
28 Radioactive Waste Commission;

29 (4) hiring personnel, contracting with any person, and
30 meeting any other expenses incurred by the Department or
31 the Agency in fulfilling its responsibilities under the
32 Radioactive Waste Compact Enforcement Act;

33 (5) activities under Sections 10, 10.2 and 10.3;

34 (6) payment of fees in lieu of taxes to a local

1 government having within its boundaries a regional
2 disposal facility;

3 (7) payment of grants to counties or municipalities
4 under Section 12.1; and

5 (8) fulfillment of obligations under a community
6 agreement under Section 12.1.

7 In spending monies pursuant to such appropriations, the
8 Department or the Agency shall to the extent practicable avoid
9 duplicating expenditures made by any firm pursuant to a
10 contract awarded under this Section. On or before March 1, 1989
11 and on or before October 1 of 1989, 1990, 1991, 1992, and 1993,
12 the Department of Nuclear Safety shall deliver to the Governor,
13 the President and Minority Leader of the Senate, the Speaker
14 and Minority Leader of the House, and each of the generators
15 that have contributed during the preceding State fiscal year to
16 the Low-Level Radioactive Waste Facility Development and
17 Operation Fund a financial statement, certified and verified by
18 the Director, which details all receipts and expenditures from
19 the fund during the preceding State fiscal year; provided that
20 the report due on or before March 1, 1989 shall detail all
21 receipts and expenditures from the fund during the period from
22 July 1, 1988 through January 31, 1989. The financial statements
23 shall identify all sources of income to the fund and all
24 recipients of expenditures from the fund, shall specify the
25 amounts of all the income and expenditures, and shall indicate
26 the amounts of all the income and expenditures, and shall
27 indicate the purpose for all expenditures.

28 (b) There is hereby created in the State Treasury a special
29 fund to be known as the "Low-Level Radioactive Waste Facility
30 Closure, Post-Closure Care and Compensation Fund". All monies
31 within the Low-Level Radioactive Waste Facility Closure,
32 Post-Closure Care and Compensation Fund shall be invested by
33 the State Treasurer in accordance with established investment
34 practices. Interest earned by such investment shall be returned

1 to the Low-Level Radioactive Waste Facility Closure,
2 Post-Closure Care and Compensation Fund. The Department of
3 Nuclear Safety or its successor agency, the Illinois Emergency
4 Management Agency, shall deposit 20% of all receipts from the
5 fees required under subsections (a) and (b) of Section 13 of
6 this Act in the State treasury to the credit of this Fund,
7 except that, pursuant to subsection (a) of Section 14 of this
8 Act, there shall be no such deposit into this Fund between July
9 1, 1997 and December 31 of the year in which the Task Group
10 approves a proposed site pursuant to Section 10.3 of this Act.
11 All deposits into this Fund shall be held by the State
12 Treasurer separate and apart from all public money or funds of
13 this State. Subject to appropriation, the Department or the
14 Agency is authorized to expend any moneys in this Fund in
15 amounts it deems necessary for:

16 (1) decommissioning and other procedures required for
17 the proper closure of the regional disposal facility;

18 (2) monitoring, inspecting, and other procedures
19 required for the proper closure, decommissioning, and
20 post-closure care of the regional disposal facility;

21 (3) taking any remedial actions necessary to protect
22 human health and the environment from releases or
23 threatened releases of wastes from the regional disposal
24 facility;

25 (4) the purchase of facility and third-party liability
26 insurance necessary during the institutional control
27 period of the regional disposal facility;

28 (5) mitigating the impacts of the suspension or
29 interruption of the acceptance of waste for disposal;

30 (6) compensating any person suffering any damages or
31 losses to a person or property caused by a release from the
32 regional disposal facility as provided for in Section 15;
33 and

34 (7) fulfillment of obligations under a community

1 agreement under Section 12.1.

2 On or before March 1 of each year, the Department of
3 Nuclear Safety or its successor agency, the Illinois Emergency
4 Management Agency, shall deliver to the Governor, the President
5 and Minority Leader of the Senate, the Speaker and Minority
6 Leader of the House, and each of the generators that have
7 contributed during the preceding State fiscal year to the Fund
8 a financial statement, certified and verified by the Director,
9 which details all receipts and expenditures from the Fund
10 during the preceding State fiscal year. The financial
11 statements shall identify all sources of income to the Fund and
12 all recipients of expenditures from the Fund, shall specify the
13 amounts of all the income and expenditures, and shall indicate
14 the amounts of all the income and expenditures, and shall
15 indicate the purpose for all expenditures.

16 (c) (Blank).

17 (d) The Department of Nuclear Safety or its successor
18 agency, the Illinois Emergency Management Agency, may accept
19 for any of its purposes and functions any donations, grants of
20 money, equipment, supplies, materials, and services from any
21 state or the United States, or from any institution, person,
22 firm or corporation. Any donation or grant of money received
23 after January 1, 1986 shall be deposited in either the
24 Low-Level Radioactive Waste Facility Development and Operation
25 Fund or the Low-Level Radioactive Waste Facility Closure,
26 Post-Closure Care and Compensation Fund, in accordance with the
27 purpose of the grant.

28 (Source: P.A. 92-276, eff. 8-7-01.)

29 (420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

30 Sec. 15. Compensation.

31 (a) Any person may apply to the Agency ~~Department~~ pursuant
32 to this Section for compensation of a loss caused by the
33 release, in Illinois, of radioactivity from the regional

1 disposal facility. The Agency ~~Department~~ shall prescribe
2 appropriate forms and procedures for claims filed pursuant to
3 this Section, which shall include, as a minimum, the following:

4 (1) Provisions requiring the claimant to make a sworn
5 verification of the claim to the best of his or her
6 knowledge.

7 (2) A full description, supported by appropriate
8 evidence from government agencies, of the release of the
9 radioactivity claimed to be the cause of the physical
10 injury, illness, loss of income or property damage.

11 (3) If making a claim based upon physical injury or
12 illness, certification of the medical history of the
13 claimant for the 5 years preceding the date of the claim,
14 along with certification of the alleged physical injury or
15 illness, and expenses for the physical injury or illness,
16 made by hospitals, physicians or other qualified medical
17 authorities.

18 (4) If making a claim for lost income, information on
19 the claimant's income as reported on his or her federal
20 income tax return or other document for the preceding 3
21 years in order to compute lost wages or income.

22 (b) The Agency ~~Department~~ shall hold at least one hearing,
23 if requested by the claimant, within 60 days of submission of a
24 claim to the Agency ~~Department~~. The Director shall render a
25 decision on a claim within 30 days of the hearing unless all of
26 the parties to the claim agree in writing to an extension of
27 time. All decisions rendered by the Director shall be in
28 writing, with notification to all appropriate parties. The
29 decision shall be considered a final administrative decision
30 for the purposes of judicial review.

31 (c) The following losses shall be compensable under this
32 Section, provided that the Agency ~~Department~~ has found that the
33 claimant has established, by the weight of the evidence, that
34 the losses were proximately caused by the designated release

1 and are not otherwise compensable under law:

2 (1) One hundred percent of uninsured, out-of-pocket
3 medical expenses, for up to 3 years from the onset of
4 treatment;

5 (2) Eighty percent of any uninsured, actual lost wages,
6 or business income in lieu of wages, caused by injury to
7 the claimant or the claimant's property, not to exceed
8 \$15,000 per year for 3 years;

9 (3) Eighty percent of any losses or damages to real or
10 personal property; and

11 (4) One hundred percent of costs of any remedial
12 actions on such property necessary to protect human health
13 and the environment.

14 (d) No claim may be presented to the Agency ~~Department~~
15 under this Section later than 5 years from the date of
16 discovery of the damage or loss.

17 (e) Compensation for any damage or loss under this Section
18 shall preclude indemnification or reimbursement from any other
19 source for the identical damage or loss, and indemnification or
20 reimbursement from any other source shall preclude
21 compensation under this Section.

22 (f) The Agency ~~Department~~ shall adopt, and revise when
23 appropriate, rules and regulations necessary to implement the
24 provisions of this Section, including methods that provide for
25 establishing that a claimant has exercised reasonable
26 diligence in satisfying the conditions of the application
27 requirements, for specifying the proof necessary to establish a
28 damage or loss compensable under this Section and for
29 establishing the administrative procedures to be followed in
30 reviewing claims.

31 (g) Claims approved by the Director shall be paid from the
32 Low-Level Radioactive Waste Facility Closure, Post-Closure
33 Care and Compensation Fund, except that claims shall not be
34 paid in excess of the amount available in the Fund. In the case

1 of insufficient amounts in the Fund to satisfy claims against
2 the Fund, the General Assembly may appropriate monies to the
3 Fund in amounts it deems necessary to pay the claims.

4 (Source: P.A. 87-1166.)

5 (420 ILCS 20/17) (from Ch. 111 1/2, par. 241-17)

6 Sec. 17. Penalties.

7 (a) Any person operating any facility in violation of
8 Section 8 shall be subject to a civil penalty not to exceed
9 \$100,000 per day of violation.

10 (b) Any person failing to pay the fees provided for in
11 Section 13 shall be liable to a civil penalty not to exceed 4
12 times the amount of the fees not paid.

13 (c) At the request of the Agency ~~Department~~, the civil
14 penalties shall be recovered in an action brought by the
15 Attorney General on behalf of the State in the circuit court in
16 which the violation occurred. All amounts collected from fines
17 under this Section shall be deposited in the Low-Level
18 Radioactive Waste Facility Closure, Post-Closure Care and
19 Compensation Fund.

20 (Source: P.A. 87-1166.)

21 (420 ILCS 20/18) (from Ch. 111 1/2, par. 241-18)

22 Sec. 18. Judicial review.

23 Any person affected by a final order or determination of
24 the Department of Nuclear Safety or its successor agency, the
25 Illinois Emergency Management Agency, under this Act may obtain
26 judicial review, by filing a petition for review within 90 days
27 after the entry of the order or other final action complained
28 of.

29 The review proceeding shall be conducted in accordance with
30 the Administrative Review Law, except that the proceeding shall
31 originate in the appellate court rather than in the circuit
32 court.

1 (Source: P.A. 86-1044; 86-1050; 86-1475; 87-1244; 87-1267.)

2 (420 ILCS 20/21.1) (from Ch. 111 1/2, par. 241-21.1)

3 Sec. 21.1. (a) For the purpose of conducting subsurface
4 surveys and other studies under this Act, officers and
5 employees of the Agency ~~Department~~ and officers and employees
6 of any person under contract or subcontract with the Agency
7 ~~Department~~ shall have the power to enter upon the lands or
8 waters of any person upon written notice to the known owners
9 and occupants, if any.

10 (b) In addition to the powers under subsection (a), and
11 without limitation to those powers, the Agency ~~Department~~ and
12 any person under contract or subcontract with the Agency
13 ~~Department~~ shall also have the power to enter contracts and
14 agreements which allow entry upon the lands or waters of any
15 person for the purpose of conducting subsurface surveys and
16 other studies under this Act.

17 (c) The Agency ~~Department~~ shall be responsible for any
18 actual damages occasioned by the entry upon the lands or waters
19 of any person under this Section.

20 (Source: P.A. 85-1133.)

21 Section 30. The Radioactive Waste Storage Act is amended by
22 adding Section 0.5 and by changing Sections 1, 2, 3, 4, 5, and
23 6 as follows:

24 (420 ILCS 35/0.5 new)

25 Sec. 0.5. Definitions. In this Act:

26 "Agency" means the Illinois Emergency Management Agency.

27 "Director" means the Director of the Agency.

28 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

29 Sec. 1. The Director ~~of Nuclear Safety~~ is authorized to
30 acquire by private purchase, acceptance, or by condemnation in

1 the manner provided for the exercise of the power of eminent
2 domain under Article VII of the Code of Civil Procedure, any
3 and all lands, buildings and grounds where radioactive
4 by-products and wastes produced by industrial, medical,
5 agricultural, scientific or other organizations can be
6 concentrated, stored or otherwise disposed in a manner
7 consistent with the public health and safety. Whenever, in the
8 judgment of the Director ~~of Nuclear Safety~~, it is necessary to
9 relocate existing facilities for the construction, operation,
10 closure or long-term care of a facility for the safe and secure
11 disposal of low-level radioactive waste, the cost of relocating
12 such existing facilities may be deemed a part of the disposal
13 facility land acquisition and the Agency ~~Department of Nuclear~~
14 ~~Safety~~ may, on behalf of the State, pay such costs. Existing
15 facilities include public utilities, commercial or industrial
16 facilities, residential buildings, and such other public or
17 privately owned buildings as the Director ~~of Nuclear Safety~~
18 deems necessary for relocation. The Agency ~~Department of~~
19 ~~Nuclear Safety~~ is authorized to operate a relocation program,
20 and to pay such costs of relocation as are provided in the
21 federal "Uniform Relocation Assistance and Real Property
22 Acquisition Policies Act", Public Law 91-646. The Director ~~of~~
23 ~~Nuclear Safety~~ is authorized to exceed the maximum payments
24 provided pursuant to the federal "Uniform Relocation
25 Assistance and Real Property Acquisition Policies Act" 2f
26 necessary to assure the provision of decent, safe, and sanitary
27 housing, or to secure a suitable alternate location. Payments
28 issued under this Section shall be made from the Low-level
29 Radioactive Waste Facility Development and Operation Fund
30 established by the Illinois Low-Level Radioactive Waste
31 Management Act.

32 (Source: P.A. 85-1407.)

33 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

1 Sec. 2. The Director ~~of Nuclear Safety~~ may accept, receive,
2 and receipt for moneys or lands, buildings and grounds for and
3 in behalf of the State, given by the Federal Government under
4 any federal law to the State or by any other public or private
5 agency, for the acquisition or operation of a site or sites for
6 the concentration and storage of radioactive wastes. Such funds
7 received by the Director pursuant to this Section shall be
8 deposited with the State Treasurer and held and disbursed by
9 him in accordance with "An Act in relation to the receipt,
10 custody, and disbursement of money allotted by the United
11 States of America or any agency thereof for use in this State",
12 approved July 3, 1939, as amended. Provided that such moneys or
13 lands, buildings and grounds shall be used only for the
14 purposes for which they are contributed.

15 (Source: P.A. 81-1516.)

16 (420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

17 Sec. 3. The Director ~~of Nuclear Safety~~ may lease such
18 lands, buildings and grounds as it may acquire under the
19 provisions of this Act to a private firm or firms for the
20 purpose of operating a site or sites for the concentration and
21 storage of radioactive wastes or for such other purpose not
22 contrary to the public interests.

23 (Source: P.A. 81-1516.)

24 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

25 Sec. 4. The operation of any and all sites acquired for the
26 concentration and storage of radioactive wastes shall be under
27 the direct supervision of the Agency ~~Department of Nuclear~~
28 ~~Safety~~ and shall be in accordance with regulations promulgated
29 and enforced by the Agency ~~Department~~ to protect the public
30 health and safety.

31 (Source: P.A. 81-1516.)

1 (420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

2 Sec. 5. The Director ~~of Nuclear Safety~~ is authorized to
3 enter into contracts as he or she may deem necessary for
4 carrying out the provisions of this Act. Such contracts may
5 include the assessment of fees by the Agency Director. The fees
6 required shall be established at a rate which provides an
7 annual amount equal to the anticipated reasonable cost
8 necessary to maintain, monitor, and otherwise supervise and
9 care for lands and facilities as required in the interest of
10 public health and safety.

11 (Source: P.A. 81-1516.)

12 (420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

13 Sec. 6. It is recognized by the General Assembly that any
14 site used for the concentration and storage of radioactive
15 waste material will represent a continuing and perpetual
16 responsibility in the interests of the public health, safety
17 and general welfare, and that the same must ultimately be
18 reposed in a sovereign government without regard for the
19 existence or nonexistence of any particular agency,
20 instrumentality, department, division or officer thereof. In
21 all instances lands, buildings and grounds which are to be
22 designated as sites for the concentration and storage of
23 radioactive waste materials shall be acquired in fee simple
24 absolute and dedicated in perpetuity to such purpose. All
25 rights, title and interest in, of and to any radioactive waste
26 materials accepted by the Agency ~~Department of Nuclear Safety~~
27 for permanent storage at such facilities, shall upon acceptance
28 become the property of the State and shall be in all respects
29 administered, controlled, and disposed of, including transfer
30 by sale, lease, loan or otherwise, by the Department of Nuclear
31 Safety in the name of the State. All fees received pursuant to
32 contracts entered into by the Agency Director shall be
33 deposited in the State treasury and shall be set apart in a

1 special fund to be known as the "Radioactive Waste Site
2 Perpetual Care Fund". Monies deposited in the fund shall be
3 expended by the Agency Director to monitor and maintain the
4 site as required to protect the public health and safety on a
5 continuing and perpetual basis. All payments received by the
6 Department of Nuclear Safety or its successor agency, the
7 Illinois Emergency Management Agency, pursuant to the
8 settlement agreement entered May 25, 1988, in the matter of the
9 People of the State of Illinois, et al. v. Teledyne, Inc., et
10 al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois)
11 shall be held by the State Treasurer separate and apart from
12 all public moneys or funds of the State, and shall be used only
13 as provided in such settlement agreement.

14 (Source: P.A. 86-257.)

15 Section 35. The Radioactive Waste Tracking and Permitting
16 Act is amended by changing Sections 5, 10, and 15 as follows:

17 (420 ILCS 37/5)

18 Sec. 5. Legislative findings.

19 (a) The General Assembly finds:

20 (1) that a considerable volume of wastes are produced
21 in this State with even greater volumes to be produced in
22 the future;

23 (2) that these wastes pose a significant risk to the
24 public health, safety and welfare of the people of
25 Illinois; and

26 (3) that it is the obligation of the State of Illinois
27 to its citizens to provide for the safe management of the
28 wastes produced within its borders.

29 (b) It is the intent of this Act to authorize the
30 Department of Nuclear Safety or its successor agency, the
31 Illinois Emergency Management Agency, to establish, by
32 regulation, a tracking system for the regulation of the use of

1 facilities licensed under Section 8 of the Illinois Low-Level
2 Radioactive Waste Management Act.

3 (Source: P.A. 88-616, eff. 9-9-94.)

4 (420 ILCS 37/10)

5 Sec. 10. Definitions.

6 (a) "Agency" means the Illinois Emergency Management
7 Agency. ~~"Department" means the Department of Nuclear Safety.~~

8 (b) (Blank). ~~"Director" means the Director of the~~
9 ~~Department of Nuclear Safety.~~

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

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

17 (e) "Low-level radioactive waste" or "waste" means
18 radioactive waste not classified as (1) high-level radioactive
19 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
20 by-product material as defined in Section 11e(2) of the Atomic
21 Energy Act. This definition shall apply notwithstanding any
22 declaration by the federal government or a state that any
23 radioactive material is exempt from any regulatory control.

24 (f) "Person" means an individual, corporation, business
25 enterprise, or other legal entity, public or private, or any
26 legal successor, representative, agent, or agency of that
27 individual, corporation, business enterprise, or legal entity.

28 (g) "Regional facility" or "disposal facility" means a
29 facility that is located in Illinois and established by
30 Illinois, under designation of Illinois as a host state by the
31 Commission for disposal of waste.

32 (h) "Storage" means the temporary holding of waste for
33 treatment or disposal for a period determined by Agency

1 ~~Department~~ regulations.

2 (i) "Treatment" means any method, technique, or process,
3 including storage for radioactive decay, that is designed to
4 change the physical, chemical, or biological characteristics
5 or composition of any waste in order to render the waste safer
6 for transport, storage, or disposal, amenable to recovery,
7 convertible to another usable material, or reduced in volume.

8 (Source: P.A. 88-616, eff. 9-9-94.)

9 (420 ILCS 37/15)

10 Sec. 15. Permit requirements for the storage, treatment,
11 and disposal of waste at a disposal facility.

12 (a) Upon adoption of regulations under subsection (c) of
13 this Section, no person shall deposit any low-level radioactive
14 waste at a storage, treatment, or disposal facility in Illinois
15 licensed under Section 8 of the Illinois Low-Level Radioactive
16 Waste Management Act without a permit granted by the Department
17 of Nuclear Safety or by its successor agency, the Illinois
18 Emergency Management Agency.

19 (b) Upon adoption of regulations under subsection (c) of
20 this Section, no person shall operate a storage, treatment, or
21 disposal facility licensed under Section 8 of the Illinois
22 Low-Level Radioactive Waste Management Act without a permit
23 granted by the Department of Nuclear Safety or by its successor
24 agency, the Illinois Emergency Management Agency.

25 (c) The Agency ~~Department of Nuclear Safety~~ shall adopt
26 regulations providing for the issuance, suspension, and
27 revocation of permits required under subsections (a) and (b) of
28 this Section. The regulations may provide a system for tracking
29 low-level radioactive waste to ensure that waste that other
30 states are responsible for disposing of under federal law does
31 not become the responsibility of the State of Illinois. The
32 regulations shall be consistent with the Federal Hazardous
33 Materials Transportation Act.

1 (d) The Agency ~~Department~~ may enter into a contract or
2 contracts for operation of the system for tracking low-level
3 radioactive waste as provided in subsection (c) of this
4 Section.

5 (e) A person who violates this Section or any regulation
6 promulgated under this Section shall be subject to a civil
7 penalty, not to exceed \$10,000, for each violation. Each day a
8 violation continues shall constitute a separate offense. A
9 person who fails to pay a civil penalty imposed by a regulation
10 adopted under this Section, or any portion of the penalty, is
11 liable in a civil action in an amount not to exceed 4 times the
12 amount imposed and not paid. At the request of the Agency
13 ~~Department~~, the Attorney General shall, on behalf of the State,
14 bring an action for the recovery of any civil penalty provided
15 for by this Section. Any civil penalties so recovered shall be
16 deposited in the Low-Level Radioactive Waste Facility Closure,
17 Post-Closure Care and Compensation Fund.

18 (Source: P.A. 88-616, eff. 9-9-94.)

19 Section 40. The Uranium and Thorium Mill Tailings Control
20 Act is amended by changing Sections 5, 10, 15, 25, 30, 32, 35,
21 and 40 as follows:

22 (420 ILCS 42/5)

23 Sec. 5. Legislative findings.

24 (a) The General Assembly finds:

25 (1) that a very large volume of by-product material,
26 commonly referred to as uranium and thorium mill tailings,
27 is located within this State, much of it in urban areas;

28 (2) that such radioactive materials pose a significant
29 risk to the public health, safety, and welfare of the
30 people of Illinois; and

31 (3) that the Illinois Emergency Management Agency
32 ~~Department of Nuclear Safety~~, pursuant to the provisions of

1 the Radiation Protection Act of 1990, regulates the
2 generation, possession, use, and disposal of such
3 materials to protect the public health and safety from the
4 radiation risks associated with these materials and to
5 ensure that they do not pose an undue risk to the public
6 health, safety, or the environment; and

7 (4) that in addition to this regulation, it is
8 beneficial for the State to have a policy promoting the
9 safe and timely decommissioning of source material milling
10 facilities that have come to the end of their productive
11 lives and the safe and effective decontamination of areas
12 within the State that are contaminated with uranium or
13 thorium mill tailings.

14 (a-5) The General Assembly also finds:

15 (1) that the Director of Nuclear Safety, as represented
16 by the Attorney General, and Kerr-McGee Chemical
17 Corporation entered into an agreement dated May 19, 1994
18 and other related agreements to facilitate the removal of
19 by-product material from the City of West Chicago in
20 reliance upon the enactment of this amendatory Act of 1994;

21 (2) that the May 19, 1994 agreement is consistent with
22 the public purpose as expressed in this Act; and

23 (3) that the May 19, 1994 agreement is not an agreement
24 intended to relieve Kerr-McGee Chemical Corporation from
25 the applicability of this Act under Section 35.

26 (b) It is the purpose of this Act to establish a
27 comprehensive program for the timely decommissioning of
28 uranium and thorium mill tailings facilities in Illinois and
29 for the decontamination of properties that are contaminated
30 with uranium or thorium mill tailings. It is the intent of the
31 General Assembly that such a program provide for the safe
32 management of these mill tailings and that the program
33 encourage public participation in all phases of the development
34 of this management program. It is further the intent of the

1 General Assembly that this program be in addition to the
2 regulatory program established in the Radiation Protection Act
3 of 1990.

4 (Source: P.A. 87-1024; 88-638, eff. 9-9-94.)

5 (420 ILCS 42/10)

6 Sec. 10. Definitions. As used in this Act:

7 "Agency" means the Illinois Emergency Management Agency.

8 "By-product material" means the tailings or wastes
9 produced by the extraction or concentration of uranium or
10 thorium from any ore processed primarily for its source
11 material content, including discrete surface wastes resulting
12 from underground solution extraction processes but not
13 including underground ore bodies depleted by such solution
14 extraction processes.

15 "Department" means the Department of Nuclear Safety.

16 "Director" means the Director of the Illinois Emergency
17 Management Agency ~~Department of Nuclear Safety~~.

18 "Person" means any individual, corporation, partnership,
19 firm, association, trust, estate, public or private
20 institution, group, agency, political subdivision of this
21 State, any other State or political subdivision or agency
22 thereof, and any legal successor, representative, agent, or
23 agency of the foregoing, other than the United States Nuclear
24 Regulatory Commission, or any successor thereto, and other than
25 federal government agencies licensed by the United States
26 Nuclear Regulatory Commission, or any successor thereto.

27 "Radiation emergency" means the uncontrolled release of
28 radioactive material from a radiation installation that poses a
29 potential threat to the public health, welfare, and safety.

30 "Source material" means (i) uranium, thorium, or any other
31 material that the Agency ~~Department~~ declares by order to be
32 source material after the United States Nuclear Regulatory
33 Commission or its successor has determined the material to be

1 source material; or (ii) ores containing one or more of those
2 materials in such concentration as the Agency ~~Department~~
3 declares by order to be source material after the United States
4 Nuclear Regulatory Commission or its successor has determined
5 the material in such concentration to be source material.

6 "Specific license" means a license, issued after
7 application, to use, manufacture, produce, transfer, receive,
8 acquire, own, or possess quantities of radioactive materials or
9 devices or equipment utilizing radioactive materials.

10 (Source: P.A. 87-1024.)

11 (420 ILCS 42/15)

12 Sec. 15. Storage fees.

13 (a) Beginning January 1, 1994, an annual fee shall be
14 imposed on the owner or operator of any property that has been
15 used in whole or in part for the milling of source material and
16 is being used for the storage or disposal of by-product
17 material, equal to \$2 per cubic foot of by-product material
18 being stored or disposed of by the facility. After a facility
19 is cleaned up in accordance with the ~~Department's~~ radiological
20 soil clean-up criteria specified by the Department of Nuclear
21 Safety or its successor agency, the Illinois Emergency
22 Management Agency, no fee shall be due, imposed upon, or
23 collected from an owner. No fee shall be imposed upon any
24 by-product material moved to a facility in contemplation of the
25 subsequent removal of the by-product material pursuant to law
26 or upon any by-product material moved to a facility in
27 contemplation of processing the material through a physical
28 separation facility. No fees shall be collected from any State,
29 county, municipal, or local governmental agency. In connection
30 with settling litigation regarding the amount of the fee to be
31 imposed, the Director may enter into an agreement with the
32 owner or operator of any facility specifying that the fee to be
33 imposed shall not exceed \$26,000,000 in any calendar year. The

1 fees assessed under this Section are separate and distinct from
2 any license fees imposed under Section 11 of the Radiation
3 Protection Act of 1990.

4 The fee shall be due on June 1 of each year or at such other
5 times in such installments as the Director may provide by rule.
6 To facilitate the expeditious removal of by-product material,
7 rules establishing payment dates or schedules may be adopted as
8 emergency rules under Section 5-45 of the Administrative
9 Procedure Act. The fee shall be collected and administered by
10 the Agency Department, and shall be deposited into the General
11 Revenue Fund.

12 (b) Moneys may be expended by the Agency Department,
13 subject to appropriation, for the following purposes but only
14 as the moneys relate to by-product material attributable to the
15 owner or operator who pays the fees under subsection (a):

16 (1) the costs of monitoring, inspecting, and otherwise
17 regulating the storage and disposal of by-product
18 material, wherever located;

19 (2) the costs of undertaking any maintenance,
20 decommissioning activities, cleanup, responses to
21 radiation emergencies, or remedial action that would
22 otherwise be required of the owner or operator by law or
23 under a license amendment or condition in connection with
24 by-product materials;

25 (3) the costs that would otherwise be required of the
26 owner or operator, by law or under a license amendment or
27 condition, incurred by the State arising from the
28 transportation of the by-product material from a storage or
29 unlicensed disposal location to a licensed permanent
30 disposal facility; and

31 (4) reimbursement to the owner or operator of any
32 facility used for the storage or disposal of by-product
33 material for costs incurred by the owner or operator in
34 connection with the decontamination or decommissioning of

1 the storage or disposal facility or other properties
2 contaminated with by-product material. However, the amount
3 of the reimbursements paid to the owner or operator of a
4 by-product material storage or disposal facility shall not
5 be reduced for any amounts recovered by the owner or
6 operator pursuant to Title X of the federal Energy Policy
7 Act of 1992 and shall not exceed the amount of money paid
8 by that owner or operator under subsection (a) plus the
9 interest attributable to amounts paid by that owner or
10 operator.

11 An owner or operator who incurs costs in connection with
12 the decontamination or decommissioning of the storage or
13 disposal facility or other properties contaminated with
14 by-product material is entitled to have those costs promptly
15 reimbursed as provided in this Section. In the event the owner
16 or operator has incurred reimbursable costs for which there are
17 not adequate moneys with which to provide reimbursement, the
18 Director shall reduce the amount of any fee payable in the
19 future imposed under this Act by the amount of the reimbursable
20 expenses incurred by the owner or operator. An owner or
21 operator of a facility shall submit requests for reimbursement
22 to the Director in a form reasonably required by the Director.
23 Upon receipt of a request, the Director shall give written
24 notice approving or disapproving each of the owner's or
25 operator's request for reimbursement within 60 days. The
26 Director shall approve requests for reimbursement unless the
27 Director finds that the amount is excessive, erroneous, or
28 otherwise inconsistent with paragraph (4) of this subsection or
29 with any license or license amendments issued in connection
30 with that owner's or operator's decontamination or
31 decommissioning plan. If the Director disapproves a
32 reimbursement request, the Director shall set forth in writing
33 to the owner or operator the reasons for disapproval. The owner
34 or operator may resubmit to the Agency Department a disapproved

1 reimbursement request with additional information as may be
2 required. Disapproval of a reimbursement request shall
3 constitute final action for purposes of the Administrative
4 Review Law unless the owner or operator resubmits the denied
5 request within 35 days. To the extent there are funds
6 available, the Director shall prepare and certify to the
7 Comptroller the disbursement of the approved sums to the owners
8 or operators or, if there are insufficient funds available, the
9 Director shall off-set future fees otherwise payable by the
10 owner or operator by the amount of the approved reimbursable
11 expenses.

12 (c) To the extent that costs identified in parts (1), (2),
13 and (3) of subsections (b) are recovered by the Department or
14 its successor agency, the Illinois Emergency Management
15 Agency, under the Radiation Protection Act of 1990 or
16 Department or Agency ~~its~~ rules, the Department or the Agency
17 shall not use money under this Section to cover these costs.

18 (d) (Blank).

19 (Source: P.A. 94-91, eff. 7-1-05.)

20 (420 ILCS 42/25)

21 Sec. 25. Response plans.

22 (a) Within one year of September 6, 1992 (the effective
23 date of Public Act 87-1024) ~~this Act,~~ the owner or operator of
24 any licensed site where by-product material is located on the
25 effective date of this Act shall file with the Department of
26 Nuclear Safety, a detailed plan describing all of the
27 activities necessary for implementation of a permanent
28 remedial action, including, but not limited to, disposal of
29 by-product material at a permanent disposal site, restoration
30 of the licensed site to unrestricted use, and decontamination
31 of all properties that have been identified as being
32 contaminated with by-product material produced at the licensed
33 site. If the licensed site is located in a municipality or

1 within 1.5 miles of the boundary of any municipality, the plan
2 shall also be filed with the governing body of that
3 municipality. If the licensed site is in an unincorporated area
4 of a county and situated more than 1.5 miles from the boundary
5 of the nearest municipality, the plan shall be filed with the
6 governing body of that county.

7 (b) Within one year of discontinuing active source material
8 milling operations, the owner or operator of any facility where
9 ores are processed primarily for their source material content
10 shall file with the Agency ~~Department~~ a detailed plan
11 describing all of the activities necessary for implementation
12 of a permanent remedial action, including, but not limited to,
13 disposal of by-product material at a permanent disposal site,
14 restoration of the facility site to unrestricted use, and
15 decontamination of all properties that have been identified as
16 being contaminated with by-product material produced at the
17 licensed facility. If the facility is located in a municipality
18 or within 1.5 miles of the boundary of any municipality, the
19 plan shall also be filed with the governing body of that
20 municipality. If the site is in an unincorporated area of a
21 county and situated more than 1.5 miles from the boundary of
22 the nearest municipality, the plan shall be filed with the
23 governing body of that county.

24 (c) The plans filed under subsection (a) or (b) shall
25 include a schedule for disposal of by-product material at a
26 facility that has a specific license authorizing disposal of
27 by-product material. The schedule shall be such that disposal
28 could be completed within 48 months or less of commencement of
29 disposal activities. The plans shall also describe permits,
30 approvals, and other authorizations that will need to be
31 obtained and the plans for obtaining those permits, approvals
32 and authorizations.

33 (Source: P.A. 87-1024.)

1 (420 ILCS 42/30)

2 Sec. 30. Rules and regulations. The Agency ~~Department~~ may
3 adopt such rules and procedures as it may deem necessary or
4 useful in the execution of its duties under this Act. The rules
5 may require submission of pertinent information by taxpayers.

6 (Source: P.A. 87-1024.)

7 (420 ILCS 42/32)

8 Sec. 32. Limitations on groundwater and property use.

9 (a) In connection with the decommissioning of a source
10 material milling facility or the termination of the facility's
11 license, the Agency ~~Department~~ shall have the authority to
12 adopt by rule, or impose by order or license amendment or
13 condition, restrictions on the use of groundwater on any
14 property that has been licensed for the milling of source
15 material and any property downgradient from the property that
16 has been licensed for the milling of source material where the
17 groundwater impacted by a licensed facility has constituents
18 above naturally-occurring levels and is in excess of the
19 groundwater standards enforceable by the Agency ~~Department~~.

20 (b) In connection with the decommissioning of a source
21 material milling facility or the termination of the facility's
22 license, the Agency ~~Department~~ shall have the authority to
23 adopt by rule, or impose by order or license amendment or
24 condition, restrictions on property that has been licensed for
25 the milling of source material where the soil has constituents
26 above naturally-occurring levels to limit or prohibit:

27 (1) the construction of basements or other similar
28 below-ground structures, other than footings or pilings,
29 on any portion of the property where elevated levels of the
30 constituents are present in the soil; and

31 (2) the excavation of soil from a portion of the
32 property where elevated levels of the constituents are
33 present in the excavated soil, unless the excavated soil is

1 (i) disposed of in a facility licensed or permitted to
2 dispose of that soil or (ii) returned to the approximate
3 depth from which it was excavated and covered with an
4 equivalent cover.

5 (c) The authority granted to the Agency ~~Department~~ under
6 this Section is intended to secure the greatest protection of
7 the public health and safety practicable in the decommissioning
8 of a source material milling facility or the termination of the
9 facility's license and shall be in addition to the authority
10 granted under the Radiation Protection Act of 1990.

11 (Source: P.A. 90-39, eff. 6-30-97.)

12 (420 ILCS 42/35)

13 Sec. 35. Agreements. If the Director ~~of Nuclear Safety~~
14 certifies to the General Assembly that the State and the owner
15 or operator of a licensed by-product material storage or
16 disposal facility have entered into an agreement enforceable in
17 court that accomplishes the purposes of subsection (b) of
18 Section 5 of this Act, and that also provides financial
19 assurances to protect the State against costs described in
20 parts (1), (2), and (3) of subsection (b) of Section 15, then
21 Sections 15, 25 and 40(b) of this Act, and any rules that the
22 Agency ~~Department~~ may adopt to implement those Sections, shall
23 not apply to that owner or operator.

24 (Source: P.A. 87-1024.)

25 (420 ILCS 42/40)

26 Sec. 40. Violations and penalties.

27 (a) Any person who violates Section 20 shall be subject to
28 a civil penalty not to exceed \$10,000 per day of violation.

29 (b) Any person failing to pay the fees provided for in
30 Section 15 shall be subject to a civil penalty not to exceed 4
31 times the amount of the fees not paid.

32 (c) Violations of this Act shall be prosecuted by the

1 Attorney General at the request of the Agency ~~Department~~. Civil
2 penalties under this Act are recoverable in an action brought
3 by the Attorney General on behalf of the State in the circuit
4 court of the county in which the facility is located. All
5 amounts collected from fines under this Section shall be
6 deposited in the General Revenue Fund. It shall also be the
7 duty of the Attorney General upon the request of the Agency
8 ~~Department~~ to bring an action for an injunction against any
9 person violating any of the provisions of this Act. The Court
10 may assess all or a portion of the cost of actions brought
11 under this subsection, including but not limited to attorney,
12 expert witness, and consultant fees, to the owner or operator
13 of the source material milling facility or to any other person
14 responsible for the violation or contamination.

15 (Source: P.A. 94-91, eff. 7-1-05.)

16 Section 45. The Laser System Act of 1997 is amended by
17 changing Sections 10, 15, 20, 22, 25, 30, 35, 40, 45, 50, 60,
18 and 65 as follows:

19 (420 ILCS 56/10)

20 Sec. 10. Legislative purpose. It is the purpose of this
21 Act to provide for a program of effective regulation of laser
22 systems for the protection of human health, welfare, and
23 safety. The Agency ~~Department~~ shall therefore regulate laser
24 systems under this Act to ensure the safe use and operation of
25 those systems.

26 (Source: P.A. 90-209, eff. 7-25-97.)

27 (420 ILCS 56/15)

28 Sec. 15. Definitions. For the purposes of this Act, unless
29 the context requires otherwise:

30 (1) "Agency" means the Illinois Emergency Management
31 Agency. ~~"Department"~~ means the Illinois Department of

1 ~~Nuclear Safety.~~

2 (2) "Director" means the Director of the Illinois
3 Emergency Management Agency ~~Nuclear Safety.~~

4 (3) "FDA" means the Food and Drug Administration of the
5 United States Department of Health and Human Services.

6 (4) "Laser installation" means a location or facility
7 where laser systems are produced, stored, disposed of, or
8 used for any purpose.

9 (5) "Laser machine" means a device that is capable of
10 producing laser radiation when associated controlled
11 devices are operated.

12 (6) "Laser radiation" means an electromagnetic
13 radiation emitted from a laser system and includes all
14 reflected radiation, any secondary radiation, or other
15 forms of energy resulting from the primary laser beam.

16 (7) "Laser system" means a device, machine, equipment,
17 or other apparatus that applies a source of energy to a
18 gas, liquid, crystal, or other solid substances or
19 combination thereof in a manner that electromagnetic
20 radiations of a relatively uniform wave length are
21 amplified and emitted in a cohesive beam capable of
22 transmitting the energy developed in a manner that may be
23 harmful to living tissues, including but not limited to
24 electromagnetic waves in the range of visible, infrared, or
25 ultraviolet light. Such systems in schools, colleges,
26 occupational schools, and State colleges and other State
27 institutions are also included in the definition of "laser
28 systems".

29 (8) "Operator" is an individual, group of individuals,
30 partnership, firm, corporation, association, or other
31 entity conducting the business or activities carried on
32 within a laser installation.

33 (Source: P.A. 90-209, eff. 7-25-97; 91-188, eff. 7-20-99.)

1 (420 ILCS 56/20)

2 Sec. 20. Registration requirements. An operator of a laser
3 installation, unless otherwise exempted, shall register the
4 installation with the Agency ~~Department~~ before the
5 installation is placed in operation. The registration shall be
6 filed annually on a form prescribed by the Agency ~~Department~~.
7 If any change occurs in a laser installation, the change or
8 changes shall be registered with the Agency ~~Department~~ within
9 30 days. If registering a change in each source of laser
10 radiation or the type or strength of each source of radiation
11 is impractical, the Agency ~~Department~~, upon request of the
12 operator, may approve blanket registration of the
13 installation. Laser installations registered with the
14 Department of Nuclear Safety on July 25, 1997 (the effective
15 date of Public Act 90-209) ~~this Act~~ shall retain their
16 registration.

17 Registration of a laser installation shall not imply
18 approval of manufacture, storage, use, handling, operation, or
19 disposal of laser systems or laser radiation, but shall serve
20 merely as notice to the Agency ~~Department~~ of the location and
21 character of radiation sources in this State.

22 (Source: P.A. 90-209, eff. 7-25-97.)

23 (420 ILCS 56/22)

24 Sec. 22. State regulation of federal entities. The Agency
25 ~~Department~~ is authorized to regulate laser installations
26 operated by federal entities (or their contractors) if the
27 federal entities agree to be regulated by the State or the
28 regulation is otherwise allowed under federal law. The Agency
29 ~~Department~~ may, by rule, establish fees to support the
30 regulation.

31 (Source: P.A. 91-188, eff. 7-20-99.)

32 (420 ILCS 56/25)

1 Sec. 25. Exemptions. The registration requirements of this
2 Act shall not apply to the following:

3 (1) a laser system that is not considered to be an
4 acute hazard to the skin and eyes from direct radiation as
5 determined by the FDA classification scheme established in
6 21 C.F.R. Section 1040.10.

7 (2) a laser system being transported on railroad cars,
8 motor vehicles, aircraft, or vessels in conformity with
9 rules adopted by an agency having jurisdiction over safety
10 during transportation, or laser systems that have been
11 installed on aircraft, munitions, or other equipment that
12 is subject to the regulations of, and approved by an
13 appropriate agency of, the federal government.

14 (3) a laser system where the hazard to public health,
15 in the opinion of the Agency Department, is absent or
16 negligible.

17 (Source: P.A. 90-209, eff. 7-25-97.)

18 (420 ILCS 56/30)

19 Sec. 30. Registration fee. The Agency Department may
20 establish by rule a registration fee for operators of laser
21 machines required to register under this Act. The Director may
22 by rule exempt public institutions from the registration fee
23 requirement. Registration fees assessed shall be due and
24 payable within 60 days after the date of billing. If, after 60
25 days, the registration fee is not paid, the Agency Department
26 may issue an order directing the operator of the installation
27 to cease use of the laser machines for which the fee is
28 outstanding or take other appropriate enforcement action as
29 provided in Section 36 of the Radiation Protection Act of 1990.
30 An order issued by the Agency Department shall afford the
31 operator a right to a hearing before the Agency Department. A
32 written request for a hearing must be served on the Agency
33 ~~Department~~ within 10 days of notice of the order. If the

1 operator fails to file a timely request for a hearing with the
2 Agency Department, the operator shall be deemed to have waived
3 his or her right to a hearing. All moneys received by the
4 Agency Department under this Act shall be deposited into the
5 Radiation Protection Fund and are not refundable. Pursuant to
6 appropriation, moneys deposited into the Fund may be used by
7 the Agency Department to administer and enforce this Act.

8 (Source: P.A. 90-209, eff. 7-25-97.)

9 (420 ILCS 56/35)

10 Sec. 35. Agency Department rules. The Agency Department is
11 authorized to adopt rules for the administration and
12 enforcement of this Act and to enter upon, inspect, and
13 investigate the premises and operations of all laser systems of
14 this State, whether or not the systems are required to be
15 registered by this Act. In adopting rules authorized by this
16 Section and in exempting certain laser systems from the
17 registration requirements of Section 20, the Agency Department
18 may seek advice and consultation from engineers, physicists,
19 physicians, or other persons with special knowledge of laser
20 systems and of the medical and biological effects of laser
21 systems.

22 (Source: P.A. 90-209, eff. 7-25-97.)

23 (420 ILCS 56/40)

24 Sec. 40. Reports of accidental injuries. The operator of a
25 laser system shall promptly report to the Agency Department an
26 accidental injury to an individual in the course of use,
27 handling, operation, manufacture, or discharge of a laser
28 system.

29 (Source: P.A. 90-209, eff. 7-25-97.)

30 (420 ILCS 56/45)

31 Sec. 45. Agency Department authority in case of immediate

1 threat to health. Notwithstanding any other provision of this
2 Act, whenever the Agency Department finds that a condition
3 exists that constitutes an immediate threat to the public
4 health or safety, the Agency Department is authorized to do all
5 of the following:

6 (a) Enter onto public or private property and take
7 possession of or require the immediate cessation of use of
8 laser systems that pose an immediate threat to health or
9 safety.

10 (b) Enter an order for abatement of a violation of a
11 provision of this Act or a rule adopted or an order issued
12 under this Act that requires immediate action to protect
13 the public health or safety. The order shall recite the
14 existence of the immediate threat and the findings of the
15 Agency Department pertaining to the threat. The order shall
16 direct a response that the Agency Department determines
17 appropriate under the circumstances, including but not
18 limited to all of the following:

19 (1) Discontinuance of the violation.

20 (2) Rendering the laser system inoperable.

21 (3) Impounding of a laser system possessed by a
22 person engaging in the violation.

23 Such order shall be effective immediately but shall
24 include notice of the time and place of a public hearing
25 before the Agency Department to be held within 30 days of
26 the date of the order to assure the justification of the
27 order. On the basis of the public hearing, the Agency
28 ~~Department~~ shall continue its order in effect, revoke it,
29 or modify it. Any party affected by an order of the Agency
30 ~~Department~~ shall have the right to waive the public hearing
31 proceedings.

32 (c) Direct the Attorney General to obtain an injunction
33 against a person responsible for causing or allowing the
34 continuance of the immediate threat to health or safety.

1 (Source: P.A. 90-209, eff. 7-25-97.)

2 (420 ILCS 56/50)

3 Sec. 50. Public nuisance; injunctive relief. The
4 conducting of any business or the carrying on of activities
5 within a laser installation without registering a laser
6 installation or without complying with the provisions of this
7 Act relating to the laser installation is declared to be
8 inimical to the public welfare and public safety and to
9 constitute a public nuisance. It is the duty of the Attorney
10 General, upon the request of the Agency Department, to bring an
11 action in the name of the People of the State of Illinois to
12 enjoin an operator from unlawfully engaging in the business or
13 activity conducted within the laser installation until the
14 operator of the installation complies with the provisions of
15 this Act. This injunctive remedy shall be in addition to, and
16 not in lieu of, any criminal penalty provided in this Act.

17 (Source: P.A. 90-209, eff. 7-25-97.)

18 (420 ILCS 56/60)

19 Sec. 60. Illinois Administrative Procedure Act. The
20 provisions of the Illinois Administrative Procedure Act are
21 hereby expressly adopted and shall apply to all administrative
22 rules and procedures of the Agency Department of Nuclear Safety
23 under this Act, except that Section 5 of the Illinois
24 Administrative Procedure Act relating to procedures for
25 rulemaking does not apply to the adoption of any rule required
26 by federal law in connection with which the Agency Department
27 is precluded from exercising any discretion.

28 (Source: P.A. 90-209, eff. 7-25-97.)

29 (420 ILCS 56/65)

30 Sec. 65. Administrative Review Law. All final
31 administrative decisions of the Department of Nuclear Safety or

1 its successor agency, the Illinois Emergency Management
2 Agency, under this Act shall be subject to judicial review
3 under the provisions of the Administrative Review Law and its
4 rules. The term "administrative decision" is defined as in
5 Section 3-101 of the Code of Civil Procedure.
6 (Source: P.A. 90-209, eff. 7-25-97.)

7 Section 50. The Boiler and Pressure Vessel Safety Act is
8 amended by changing Sections 2a and 2b as follows:

9 (430 ILCS 75/2a) (from Ch. 111 1/2, par. 3202a)

10 Sec. 2a. Nuclear facilities. Notwithstanding any other
11 provision to the contrary, the Illinois Emergency Management
12 Agency ~~Department of Nuclear Safety~~ shall have sole
13 jurisdiction over all boilers and pressure vessels contained
14 within or upon or in connection with any nuclear facility
15 within this State. The Agency ~~Department of Nuclear Safety~~
16 shall have the same authority and shall have and exercise the
17 same powers and duties in relation to those boilers and
18 pressure vessels under this Act as the Board or the State Fire
19 Marshal have and exercise in relation to all boilers and
20 pressure vessels in this State that are not included in this
21 Section. Notwithstanding any other provision to the contrary,
22 the Agency ~~Department of Nuclear Safety~~ shall establish by rule
23 the types and frequency of inspections of boilers and pressure
24 vessels contained within or upon or in connection with any
25 nuclear facility. The rules may provide that multiple boilers
26 and pressure vessels in a nuclear power system shall be covered
27 by a single inspection certificate. The Agency ~~Department of~~
28 ~~Nuclear Safety~~ may enter into such agreements with the Board or
29 the State Fire Marshal as are necessary to carry out its duties
30 under this Act. The agreements may provide that the Agency
31 ~~Department of Nuclear Safety~~ shall accept and recognize Special
32 Inspector Commissions issued by the State Fire Marshal.

1 (Source: P.A. 86-901; 87-1169.)

2 (430 ILCS 75/2b) (from Ch. 111 1/2, par. 3202b)

3 Sec. 2b. In addition to its other powers, the Illinois
4 Emergency Management Agency ~~Department of Nuclear Safety~~ is
5 authorized to enter into agreements with the United States
6 Nuclear Regulatory Commission for the establishment of a
7 coordinated and comprehensive program to minimize the risks
8 posed by boilers, pressure vessels, and related components
9 contained within or upon or in connection with any nuclear
10 facility within this State. The program may provide for such
11 inspections of nuclear facilities within the State as may be
12 agreed upon and for inspections within and outside the State of
13 Illinois of boilers and pressure vessels to be installed in any
14 nuclear facility within this State.

15 (Source: P.A. 86-901.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."