

1 AN ACT concerning safety.

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

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-20 as follows:

6 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

7 Sec. 5-20. Heads of departments. Each department shall have
8 an officer as its head who shall be known as director or
9 secretary and who shall, subject to the provisions of the Civil
10 Administrative Code of Illinois, execute the powers and
11 discharge the duties vested by law in his or her respective
12 department.

13 The following officers are hereby created:

14 Director of Aging, for the Department on Aging.

15 Director of Agriculture, for the Department of
16 Agriculture.

17 Director of Central Management Services, for the
18 Department of Central Management Services.

19 Director of Children and Family Services, for the
20 Department of Children and Family Services.

21 Director of Commerce and Economic Opportunity, for the
22 Department of Commerce and Economic Opportunity.

23 Director of Corrections, for the Department of

1 Corrections.

2 Director of the Emergency Management Agency, for the
3 Emergency Management Agency.

4 Director of Employment Security, for the Department of
5 Employment Security.

6 Director of Financial Institutions, for the Department of
7 Financial Institutions.

8 Director of Healthcare and Family Services, for the
9 Department of Healthcare and Family Services.

10 Director of Human Rights, for the Department of Human
11 Rights.

12 Secretary of Human Services, for the Department of Human
13 Services.

14 Director of the Illinois Power Agency, for the Illinois
15 Power Agency.

16 Director of Insurance, for the Department of Insurance.

17 Director of Juvenile Justice, for the Department of
18 Juvenile Justice.

19 Director of Labor, for the Department of Labor.

20 Director of the Lottery, for the Department of the Lottery.

21 Director of Natural Resources, for the Department of
22 Natural Resources.

23 Director of Professional Regulation, for the Department of
24 Professional Regulation.

25 Director of Public Health, for the Department of Public
26 Health.

1 Director of Revenue, for the Department of Revenue.

2 Director of State Police, for the Department of State
3 Police.

4 Secretary of Transportation, for the Department of
5 Transportation.

6 Director of Veterans' Affairs, for the Department of
7 Veterans' Affairs.

8 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
9 95-481, eff. 8-28-07.)

10 Section 10. The Nuclear Safety Law of 2004 is amended by
11 changing Section 25 as follows:

12 (20 ILCS 3310/25)

13 Sec. 25. Boiler and pressure vessel safety. The Illinois
14 Emergency Management Agency shall exercise, administer, and
15 enforce all of the following rights, powers, and duties:

16 (1) Rights, powers, and duties vested in the Department
17 of Nuclear Safety by the Boiler and Pressure Vessel Safety
18 Act prior to the abolishment of the Department of Nuclear
19 Safety, to the extent the rights, powers, and duties relate
20 to nuclear steam-generating facilities.

21 (2) Rights, powers, and duties relating to nuclear
22 steam-generating facilities vested in the Department of
23 Nuclear Safety by the Boiler and Pressure Vessel Safety Act
24 prior to the abolishment of the Department of Nuclear

1 Safety, which include but are not limited to the
2 formulation of definitions, rules, and regulations for the
3 safe and proper construction, installation, repair, use,
4 and operation of nuclear steam-generating facilities, the
5 adoption of rules for already installed nuclear
6 steam-generating facilities, the adoption of rules for
7 accidents in nuclear steam-generating facilities, the
8 examination for or suspension of inspectors' licenses of
9 the facilities, and the hearing of appeals from decisions
10 relating to the facilities.

11 (3) Rights, powers, and duties relating to nuclear
12 steam-generating facilities, vested in the State Fire
13 Marshal, the Chief Inspector, or the Department of Nuclear
14 Safety prior to its abolishment, by the Boiler and Pressure
15 Vessel Safety Act, which include but are not limited to the
16 employment of inspectors of nuclear steam-generating
17 facilities, issuance or suspension of their commissions,
18 prosecution of the Act or rules promulgated thereunder for
19 violations by nuclear steam-generating facilities,
20 maintenance of inspection records of all the facilities,
21 publication of rules relating to the facilities, having
22 free access to the facilities, issuance of inspection
23 certificates of the facilities, and the furnishing of bonds
24 conditioned upon the faithful performance of their duties.
25 The Director of the Illinois Emergency Management Agency
26 may designate a Chief Inspector, or other inspectors, as he

1 or she deems necessary to perform the functions transferred
2 by this Section.

3 The transfer of rights, powers, and duties specified in
4 paragraphs (1), (2), and (3) is limited to the program
5 transferred by this Act and shall not be deemed to abolish or
6 diminish the exercise of those same rights, powers, and duties
7 by the Office of the State Fire Marshal, the Board of Boiler
8 and Pressure Vessel Rules, the State Fire Marshal, or the Chief
9 Inspector with respect to programs retained by the Office of
10 the State Fire Marshal.

11 (Source: P.A. 93-1029, eff. 8-25-04.)

12 Section 15. The Radioactive Waste Compact Enforcement Act
13 is amended by changing Sections 25, 30, and 31 as follows:

14 (45 ILCS 141/25)

15 Sec. 25. Enforcement.

16 (a) The Illinois Emergency Management Agency (Agency)
17 ~~Department~~ shall adopt regulations to administer and enforce
18 the provisions of this Act. The regulations shall be adopted
19 with the consultation and cooperation of the Commission.

20 Regulations adopted by the Agency ~~Department~~ under this Act
21 shall prohibit the shipment into or acceptance of waste in
22 Illinois if the shipment or acceptance would result in a
23 violation of any provision of the Compact or this Act.

24 (b) The Agency ~~Department~~ may, by regulation, impose

1 conditions on the shipment into or acceptance of waste in
2 Illinois that the Agency ~~Department~~ determines to be reasonable
3 and necessary to enforce the provisions of this Act. The
4 conditions may include, but are not limited to (i) requiring
5 prior notification of any proposed shipment or receipt of
6 waste; (ii) requiring the shipper or recipient to identify the
7 location to which the waste will be sent for disposal following
8 treatment or storage in Illinois; (iii) limiting the time that
9 waste from outside Illinois may be held in Illinois; (iv)
10 requiring the shipper or recipient to post bond or by other
11 mechanism to assure that radioactive material will not be
12 treated, stored, or disposed of in Illinois in violation of any
13 provision of this Act; (v) requiring that the shipper consent
14 to service of process before shipment of waste into Illinois.

15 (c) The Agency ~~Department~~ shall, by regulation, impose a
16 system of civil penalties in accordance with the provisions of
17 this Act. Amounts recovered under these regulations shall be
18 deposited in the Low-Level Radioactive Waste Facility
19 Development and Operation Fund.

20 (d) The regulations adopted by the Agency ~~Department~~ may
21 provide for the granting of exemptions, but only upon a showing
22 by the applicant that the granting of an exemption would be
23 consistent with the Compact.

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

1 Sec. 30. Penalties.

2 (a) Any person who ships or receives radioactive material
3 in violation of any provision of this Act or a regulation of
4 the Agency ~~Department~~ adopted under this Act shall be subject
5 to a civil penalty not to exceed \$100,000 per occurrence.

6 (b) Any person who fails to pay a civil penalty imposed by
7 regulations adopted under this Act, or any portion of the
8 penalty, shall be liable in a civil action in an amount not to
9 exceed 4 times the amount imposed and not paid.

10 (c) Any person who intentionally violates a provision of
11 subsection (a) (1), (a) (2), (a) (3), (a) (4) or (a) (6) of Section
12 20 of this Act shall be guilty of a Class 4 felony.

13 (d) At the request of the Agency ~~Department~~, the Attorney
14 General shall, on behalf of the State, bring an action for the
15 recovery of any civil penalty or the prosecution of any
16 criminal offense provided for by this Act. Any civil penalties
17 so recovered shall be deposited in the Low-Level Radioactive
18 Waste Facility Development and Operation Fund.

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

20 (45 ILCS 141/31)

21 Sec. 31. The Agency ~~Department~~ may accept donations of
22 money, equipment, supplies, materials, and services from any
23 person for accomplishing the purposes of this Act. Any donation
24 of money shall be deposited in the Low-Level Radioactive Waste
25 Facility Development and Operation Fund and shall be expended

1 by the Agency ~~Department~~ only in accordance with the purposes
2 of the donation.

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

4 Section 20. The Environmental Protection Act is amended by
5 changing Sections 25a-1 and 25b as follows:

6 (415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

7 Sec. 25a-1. At least 60 days before beginning the
8 decommissioning of any nuclear power plant located in this
9 State, the owner or operator of the plant shall file, for
10 information purposes only, a copy of the decommissioning plan
11 for the plant with the Agency and a copy with the Illinois
12 Emergency Management Agency ~~Department of Nuclear Safety~~.

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

14 (415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

15 Sec. 25b. Any person, corporation or public authority
16 intending to construct a nuclear steam-generating facility or a
17 nuclear fuel reprocessing plant shall file with the Illinois
18 Emergency Management Agency ~~Department of Nuclear Safety~~ an
19 environmental feasibility report which incorporates the data
20 provided in the preliminary safety analysis required to be
21 filed with the United States Nuclear Regulatory Commission. The
22 Board may by rule prescribe the form of such report. The Board
23 shall have the power to adopt standards to protect the health,

1 safety and welfare of the citizens of Illinois from the hazards
2 of radiation to the extent that such powers are not preempted
3 under the federal constitution.

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

5 Section 25. The Illinois Nuclear Facility Safety Act is
6 amended by changing Sections 2, 4, 5, and 7 as follows:

7 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

8 Sec. 2. Policy statement. It is declared to be the policy
9 of the State of Illinois to prevent accidents at nuclear
10 facilities in Illinois for the economic well-being of the
11 People of the State of Illinois and for the health and safety
12 of workers at nuclear facilities and private citizens who could
13 be injured as a result of releases of radioactive materials
14 from nuclear facilities. It is the intent of the General
15 Assembly that this Act should be construed consistently with
16 federal law to maximize the role of the State in contributing
17 to safety at nuclear facilities in Illinois. It is the intent
18 of the General Assembly that the Illinois Emergency Management
19 Agency ~~Department of Nuclear Safety~~ should not take any actions
20 which are preempted by federal law or engage in dual regulation
21 of nuclear facilities, unless dual regulation is allowed by
22 federal law and policies of the Nuclear Regulatory Commission.
23 In implementing its responsibilities under this Act, the Agency
24 ~~Illinois Department of Nuclear Safety~~ shall not take any action

1 which interferes with the safe operation of a nuclear facility.
2 (Source: P.A. 86-901.)

3 (420 ILCS 10/4) (from Ch. 111 1/2, par. 4354)

4 Sec. 4. Authorization. The Agency ~~Department~~ is authorized
5 to enter into any and all cooperative agreements with the
6 federal Nuclear Regulatory Commission consistent with the
7 applicable provisions of the Atomic Energy Act.

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

9 (420 ILCS 10/5) (from Ch. 111 1/2, par. 4355)

10 Sec. 5. Program for Illinois nuclear power plant
11 inspectors.

12 (a) Consistent with federal law and policy statements of
13 and cooperative agreements with the Nuclear Regulatory
14 Commission with respect to State participation in health and
15 safety regulation of nuclear facilities, and in recognition of
16 the role provided for the states by such laws, policy
17 statements and cooperative agreements, the Agency ~~Department~~
18 shall develop and implement a program for Illinois resident
19 inspectors that, when fully implemented, shall provide for one
20 full-time Agency ~~Departmental~~ Illinois resident inspector at
21 each nuclear power plant in Illinois. The owner of each of the
22 nuclear power plants to which they are assigned shall provide,
23 at its expense, office space and equipment reasonably required
24 by the resident inspectors while they are on the premises of

1 the nuclear power plants. The Illinois resident inspectors
2 shall operate in accordance with a cooperative agreement
3 executed by the Agency ~~Department~~ and the Nuclear Regulatory
4 Commission and shall have access to the nuclear power plants to
5 which they have been assigned in accordance with that
6 agreement; provided, however, that the Illinois resident
7 inspectors shall have no greater access than is afforded to a
8 resident inspector of the Nuclear Regulatory Commission.

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

25 (c) The Illinois resident inspectors and inspectors
26 assigned under subsection (b) shall each operate in accordance

1 with the security plan for the nuclear power plant to which
2 they are assigned, but in no event shall they be required to
3 meet any requirements imposed by a nuclear power plant owner
4 that are not imposed on resident inspectors and inspectors of
5 the Nuclear Regulatory Commission. The Agency ~~Department's~~
6 programs and activities under this Section shall not be
7 inconsistent with federal law.

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

9 (420 ILCS 10/7) (from Ch. 111 1/2, par. 4357)

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

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

15 Section 30. The Spent Nuclear Fuel Act is amended by
16 changing Section 2 as follows:

17 (420 ILCS 15/2) (from Ch. 111 1/2, par. 230.22)

18 Sec. 2. No person may dispose of, store, or accept any
19 spent nuclear fuel which was used in any power generating
20 facility located outside this State, or transport into this
21 State for disposal or storage any spent nuclear fuel which was
22 used in any power generating facility located outside this
23 State, unless the state of origin of such spent nuclear fuel

1 has a facility, which is not part of a power generating
2 facility, for the disposal or storage of spent nuclear fuel
3 substantially like that of this State and has entered into a
4 reciprocity agreement with this State. The determination as to
5 whether the state of origin has a disposal or storage facility
6 for spent nuclear fuel substantially like that of this State is
7 to be made by the Director of the Emergency Management Agency
8 ~~Department of Nuclear Safety~~ and all reciprocity agreements
9 must be approved by a majority of the members of both Houses of
10 the General Assembly and approved and signed by the Governor.
11 (Source: P.A. 81-1516, Art. II.)

12 Section 35. The Illinois Low-Level Radioactive Waste
13 Management Act is amended by changing Sections 2, 3, 4, 5, 6,
14 7, 8, 9, 10, 10.2, 10.3, 11, 13, 14, 15, 17, and 21.1 as
15 follows:

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

17 Sec. 2. (a) The General Assembly finds:

18 (1) that low-level radioactive wastes are produced in
19 this State with even greater volumes to be produced in the
20 future;

21 (2) that such radioactive wastes pose a significant
22 risk to the public health, safety and welfare of the people
23 of Illinois; and

24 (3) that it is the obligation of the State of Illinois

1 to its citizens to provide for the safe management of the
2 low-level radioactive wastes produced within its borders.

3 (b) The Illinois Emergency Management Agency ~~Department of~~
4 ~~Nuclear Safety~~ has attained federal agreement state status and
5 thereby has assumed regulatory authority over low-level
6 radioactive waste from the United States Nuclear Regulatory
7 Commission under Section 274b of the Atomic Energy Act of 1954
8 (42 U.S.C. 2014). It is the purpose of this Act to establish a
9 comprehensive program for the storage, treatment, and disposal
10 of low-level radioactive wastes in Illinois. It is the intent
11 of the General Assembly that the program provide for the
12 management of these wastes in the safest manner possible and in
13 a manner that creates the least risk to human health and the
14 environment of Illinois and that the program encourage to the
15 fullest extent possible the use of environmentally sound waste
16 management practices alternative to land disposal including
17 waste recycling, compaction, incineration and other methods to
18 reduce the amount of wastes produced, and to ensure public
19 participation in all phases of the development of this
20 radioactive waste management program.

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

22 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

23 Sec. 3. Definitions.

24 "Agency" means the Illinois Emergency Management Agency.

25 ~~(a)~~ "Broker" means any person who takes possession of

1 low-level waste for purposes of consolidation and shipment.

2 ~~(b)~~ "Compact" means the Central Midwest Interstate
3 Low-Level Radioactive Waste Compact.

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

8 ~~(d)~~ "Department" means the Department of Nuclear Safety.

9 ~~(e)~~ "Director" means the Director of the Emergency
10 Management Agency Department of Nuclear Safety.

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

13 ~~(g)~~ "Facility" means a parcel of land or site, together
14 with structures, equipment and improvements on or appurtenant
15 to the land or site, which is used or is being developed for
16 the treatment, storage or disposal of low-level radioactive
17 waste. "Facility" does not include lands, sites, structures or
18 equipment used by a generator in the generation of low-level
19 radioactive wastes.

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

24 ~~(i)~~ "Hazardous waste" means a waste, or combination of
25 wastes, which because of its quantity, concentration, or
26 physical, chemical, or infectious characteristics may cause or

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

10 ~~(j)~~ "High-level radioactive waste" means:

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

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

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

25 ~~(l)~~ "Mixed waste" means waste that is both "hazardous
26 waste" and "low-level radioactive waste" as defined in this

1 Act.

2 ~~(m)~~ "Person" means an individual, corporation, business
3 enterprise or other legal entity either public or private and
4 any legal successor, representative, agent or agency of that
5 individual, corporation, business enterprise, or legal entity.

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

13 ~~(o)~~ "Regional disposal facility" or "disposal facility"
14 means the facility established by the State of Illinois under
15 this Act for disposal away from the point of generation of
16 waste generated in the region of the Compact.

17 ~~(p)~~ "Release" means any spilling, leaking, pumping,
18 pouring, emitting, emptying, discharging, injecting, escaping,
19 leaching, dumping or disposing into the environment of
20 low-level radioactive waste.

21 ~~(q)~~ "Remedial action" means those actions taken in the
22 event of a release or threatened release of low-level
23 radioactive waste into the environment, to prevent or minimize
24 the release of the waste so that it does not migrate to cause
25 substantial danger to present or future public health or
26 welfare or the environment. The term includes, but is not

1 limited to, actions at the location of the release such as
2 storage, confinement, perimeter protection using dikes,
3 trenches or ditches, clay cover, neutralization, cleanup of
4 released low-level radioactive wastes, recycling or reuse,
5 dredging or excavations, repair or replacement of leaking
6 containers, collection of leachate and runoff, onsite
7 treatment or incineration, provision of alternative water
8 supplies and any monitoring reasonably required to assure that
9 these actions protect human health and the environment.

10 ~~(q-5)~~ "Scientific Surveys" means, collectively, the State
11 Geological Survey Division and the State Water Survey Division
12 of the Department of Natural Resources.

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

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

22 ~~(t)~~ "Treatment" means any method, technique or process,
23 including storage for radioactive decay, designed to change the
24 physical, chemical or biological characteristics or
25 composition of any waste in order to render the waste safer for
26 transport, storage or disposal, amenable to recovery,

1 convertible to another usable material or reduced in volume.

2 ~~(u)~~ "Waste management" means the storage, transportation,
3 treatment or disposal of waste.

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

5 (420 ILCS 20/4) (from Ch. 111 1/2, par. 241-4)

6 Sec. 4. Generator and broker registration.

7 (a) All generators and brokers of any amount of low-level
8 radioactive waste in Illinois shall register with the Agency
9 ~~Department of Nuclear Safety~~. Generators shall register within
10 60 days of the commencement of generating any low-level
11 radioactive wastes. Brokers shall register within 60 days of
12 taking possession of any low-level radioactive waste. Such
13 registration shall be on a form developed by the Agency
14 ~~Department~~ and shall contain the name, address and officers of
15 the generator or broker, information on the types and amounts
16 of wastes produced or possessed and any other information
17 required by the Agency ~~Department~~.

18 (b) All registered generators and brokers of any amount of
19 low-level radioactive waste in Illinois shall file an annual
20 report with the Agency ~~Department~~. The annual report for
21 generators shall contain information on the types and
22 quantities of low-level wastes produced in the previous year
23 and expected to be produced in the future, the methods used to
24 manage these wastes, the technological feasibility, economic
25 reasonableness and environmental soundness of alternative

1 treatment, storage and disposal methods and any other
2 information required by the Agency ~~Department~~. The annual
3 report for brokers shall contain information on the types and
4 quantities of low-level radioactive wastes received and
5 shipped, identification of the generators from whom such wastes
6 were received, and the destination of shipments of such wastes.

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

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

11 (420 ILCS 20/5) (from Ch. 111 1/2, par. 241-5)

12 Sec. 5. Requirements for disposal facility contractors;
13 operating agreements.

14 (a) The Agency ~~Department~~ shall promulgate rules and
15 regulations establishing standards applicable to the selection
16 of a contractor or contractors for the design, development,
17 construction, and operation of a low-level radioactive waste
18 disposal facility away from the point of generation necessary
19 to protect human health and the environment. The regulations
20 shall establish, but need not be limited to, the following:

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

23 (2) Requirements and standards relating to the
24 financial integrity of the firm;

25 (3) Requirements and standards relating to the

1 experience and performance history of the firm in the
2 design, development, construction and operation of
3 low-level radioactive waste disposal facilities; and

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

6 The Agency ~~Department~~ shall hold at least one public
7 hearing before promulgating the regulations.

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

1 relating to the obligations of the operator and the Agency
2 ~~Department~~ in the event of any closure of the facility or any
3 termination of the operating agreement.

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

5 (420 ILCS 20/6) (from Ch. 111 1/2, par. 241-6)

6 Sec. 6. Requirements for disposal facility.

7 (a) The Agency ~~Department~~ shall as it deems necessary to
8 protect human health and the environment, promulgate rules and
9 regulations establishing standards applicable to the regional
10 disposal facility. The rules and regulations shall reflect the
11 best available management technologies which are economically
12 reasonable, technologically feasible and environmentally sound
13 for the disposal of the wastes and shall establish, but need
14 not be limited to the establishment of:

15 (1) requirements and performance standards for the
16 design, construction, operation, maintenance and
17 monitoring of the low-level radioactive waste disposal
18 facility;

19 (2) requirements and standards for the keeping of
20 records and the reporting and retaining of data collected
21 by the contractor selected to operate the disposal
22 facility;

23 (3) requirements and standards for the technical
24 qualifications of the personnel of the contractor selected
25 to develop and operate the disposal facility;

1 (4) requirements and standards for establishing the
2 financial responsibility of the contractor selected to
3 operate the disposal facility;

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

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

9 (b) The regulations shall include provisions requiring
10 that the contractor selected to operate the disposal facility
11 post a performance bond with the Agency ~~Department~~ or show
12 evidence of liability insurance or other means of establishing
13 financial responsibility in an amount sufficient to adequately
14 provide for any necessary remedial actions or liabilities that
15 might be incurred by the operation of the disposal facility
16 during the operating period and during a reasonable period of
17 post-closure care.

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

21 (d) The Agency ~~Department~~ shall hold at least one public
22 hearing before adopting rules under this Section.

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

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

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

5 (420 ILCS 20/7) (from Ch. 111 1/2, par. 241-7)

6 Sec. 7. Requirements for waste treatment. The Agency
7 ~~Department~~ shall promulgate rules and regulations establishing
8 standards applicable to the treatment of low-level radioactive
9 wastes disposed of in any facility in Illinois necessary to
10 protect human health and the environment. Such rules and
11 regulations shall reflect the best available treatment
12 technologies that are economically reasonable, technologically
13 feasible and environmentally sound for reducing the quantity
14 and radioactive quality of such wastes prior to land burial and
15 shall establish, but need not be limited to, requirements
16 respecting:

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

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

22 (3) the use of technologies for the treatment of such
23 wastes to minimize the radioactive characteristics of the waste
24 disposed of or to reduce the tendency of the waste to migrate
25 in geologic and hydrologic formations.

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

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

4 (420 ILCS 20/8) (from Ch. 111 1/2, par. 241-8)

5 Sec. 8. Requirements for waste facility licensing.

6 (a) No person shall operate any facility for the storage,
7 treatment, or disposal of low-level radioactive wastes away
8 from the point of generation in Illinois without a license
9 granted by the Agency ~~Department~~.

10 (b) Each application for a license under this Section shall
11 contain such information as may be required by the Agency
12 ~~Department~~, including, but not limited to, information
13 respecting:

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

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

19 (3) financial and personnel information necessary to
20 assure the integrity and qualifications of the contractor
21 selected to operate the facility;

22 (4) a closure plan to ensure the proper closure,
23 decommissioning, and post-closure care of the disposal
24 facility; and

25 (5) a contingency plan to establish the procedures to

1 be followed in the event of unanticipated radioactive
2 releases.

3 (c) The Director may issue a license for the construction
4 and operation of a facility authorized by this Act, provided
5 the applicant for the license has complied with applicable
6 provisions of this Act and regulations of the Agency
7 ~~Department~~. No license issued by the Director shall authorize
8 the disposal of mixed waste at any regional disposal facility.
9 In the event that an applicant or licensee proposes
10 modifications to a facility, or in the event that the Director
11 determines that modifications are necessary to conform to the
12 requirements of this Act, the Director may issue any license
13 modifications necessary to protect human health and the
14 environment and may specify the time allowed to complete the
15 modifications.

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

26 (e) No person shall operate and the Director shall not

1 issue any license under this Section to operate any disposal
2 facility for the shallow land burial of low-level radioactive
3 wastes in Illinois.

4 (f) (Blank).

5 (g) Notwithstanding subsection (d) of Section 10.3 of this
6 Act, a license issued by the Agency ~~Department~~ to operate any
7 regional disposal facility shall be revoked as a matter of law
8 to the extent that the license authorizes disposal if:

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

13 (2) (A) if the facility is located more than 1 1/2
14 miles from the boundary of a municipality and the county in
15 which the facility is located passes an ordinance ordering
16 the license revoked, or

17 (B) if the facility is located within a municipality or
18 within 1 1/2 miles of the boundary of a municipality and
19 that municipality passes an ordinance ordering the license
20 revoked.

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

22 (420 ILCS 20/9) (from Ch. 111 1/2, par. 241-9)

23 Sec. 9. Requirements for waste transporters.

24 (a) No person shall transport any low-level radioactive
25 waste to a storage, treatment or disposal facility in Illinois

1 licensed under Section 8 without a permit granted by the Agency
2 ~~Department~~.

3 (b) No person shall transport any low-level radioactive
4 waste to a storage, treatment or disposal facility licensed
5 under Section 8 without a manifest document. The Agency
6 ~~Department~~ shall develop the form for such manifests and shall
7 promulgate rules and regulations establishing a system of
8 tracking wastes from their point of generation to storage,
9 treatment, and ultimate disposal.

10 (c) Each application for a permit under this Section shall
11 contain any information as may be required under regulations
12 promulgated by the Agency ~~Department~~, including, but not
13 limited to, information respecting:

14 (1) The estimated quantities and types of wastes to be
15 transported to a facility located in Illinois;

16 (2) The procedures and methods used to monitor and
17 inspect the shipments to ensure that leakage or spills do
18 not occur;

19 (3) The timetables according to which the wastes are to
20 be shipped.

21 (4) The qualifications and training of personnel
22 handling low-level radioactive waste; and

23 (5) The use of interim storage and transshipment
24 facilities.

25 (d) The Director may issue a permit to any applicant who
26 has met and whom he believes will comply with the requirements

1 of the Illinois Hazardous Materials Transportation Act and any
2 other applicable State or federal laws or regulations. In the
3 event that an applicant or permittee proposes modifications of
4 a permit, or in the event that the Director determines that
5 modifications are necessary to conform with the requirements of
6 the Act, the Director may issue any permit modifications
7 necessary to protect human health and the environment and may
8 specify the time allowed to complete the modifications.

9 (e) The Agency ~~Department~~ shall inspect each shipment of
10 low-level radioactive wastes received at the regional disposal
11 facility for compliance with the packaging, placarding and
12 other requirements established by rules and regulations
13 promulgated by the Illinois Department of Transportation under
14 the Illinois Hazardous Materials Transportation Act and any
15 other applicable State or federal regulations. The Agency
16 ~~Department~~ shall notify the Attorney General of any apparent
17 violations for possible prosecution under Sections 11 and 12 of
18 that Act.

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

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

21 Sec. 10. Disposal facility contractor selection. Upon
22 adopting the regulations establishing requirements for waste
23 disposal facilities provided for in Section 6, the Agency
24 ~~Department~~ shall solicit proposals for the selection of one or
25 more contractors to site, design, develop, construct, operate,

1 close, provide post-closure care for, and decommission the
2 disposal facility. Not later than 6 months after the
3 solicitation of proposals, the Director shall select the
4 applicant who has submitted the proposal that best conforms to
5 the requirements of this Act and to the rules adopted under
6 this Act.

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

8 (420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

9 Sec. 10.2. Creation of Low-Level Radioactive Waste Task
10 Group; adoption of criteria; selection of site for
11 characterization.

12 (a) There is hereby created the Low-Level Radioactive Waste
13 Task Group consisting of the Directors of the Environmental
14 Protection Agency, the Department of Natural Resources, and the
15 Illinois Emergency Management Agency ~~Department of Nuclear~~
16 ~~Safety~~ (or their designees) and 6 additional members designated
17 by the Governor. The 6 additional members shall:

18 (1) be confirmed by the Senate; and

19 (2) receive compensation of \$300 per day for their
20 services on the Task Group unless they are officers or
21 employees of the State, in which case they shall receive no
22 additional compensation.

23 Four of the additional members shall have expertise in the
24 field of geology, hydrogeology, or hydrology. Of the 2
25 remaining additional members, one shall be a member of the

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

26 (b) To protect the public health, safety and welfare, the

1 Task Group shall develop proposed criteria for selection of a
2 site for a regional disposal facility. Principal criteria shall
3 relate to the geographic, geologic, seismologic, tectonic,
4 hydrologic, and other scientific conditions best suited for a
5 regional disposal facility. Supplemental criteria may relate
6 to land use (including (i) the location of existing underground
7 mines and (ii) the exclusion of State parks, State conservation
8 areas, and other State owned lands identified by the Task
9 Group), economics, transportation, meteorology, and any other
10 matter identified by the Task Group as relating to desirable
11 conditions for a regional disposal facility. All of the
12 criteria shall be as specific as possible.

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

1 of the House, and all county boards in the State of Illinois
2 and shall make copies of the criteria available without charge
3 to the public.

4 (c) Upon adoption of the criteria, the Director of Natural
5 Resources shall direct the Scientific Surveys to screen the
6 State of Illinois. By September 30, 1997, the Scientific
7 Surveys shall (i) complete a Statewide screening of the State
8 using available information and the Surveys' geography-based
9 information system to produce individual and composite maps
10 showing the application of individual criteria; (ii) complete
11 the evaluation of all land volunteered before the effective
12 date of this amendatory Act of 1997 to determine whether any of
13 the volunteered land appears likely to satisfy the criteria;
14 (iii) document the results of the screening and volunteer site
15 evaluations in a written report and submit the report to the
16 chairman of the Task Group and to the Director; and (iv)
17 transmit to the Task Group and to the Agency Department, in a
18 form specified by the Task Group and the Agency Department, all
19 information and documents assembled by the Scientific Surveys
20 in performing the obligations of the Scientific Surveys under
21 this Act. Upon completion of the screening and volunteer site
22 evaluation process, the Director of the Department of Natural
23 Resources shall be replaced on the Task Group by a member
24 appointed by the Governor and confirmed by the Senate. The
25 member appointed to replace the Director of the Department of
26 Natural Resources shall have expertise that the Governor

1 determines to be appropriate.

2 (c-3) By December 1, 2000, the Department of Nuclear Safety
3 (now the Illinois Emergency Management Agency), in
4 consultation with the Task Group, waste generators, and any
5 interested counties and municipalities and after holding 3
6 public hearings throughout the State, shall prepare a report
7 regarding, at a minimum, the impact and ramifications, if any,
8 of the following factors and circumstances on the siting,
9 design, licensure, development, construction, operation,
10 closure, and post-closure care of a regional disposal facility:

11 (1) the federal, state, and regional programs for the
12 siting, development, and operation of disposal facilities
13 for low-level radioactive wastes and the nature, extent,
14 and likelihood of any legislative or administrative
15 changes to those programs;

16 (2) (blank);

17 (3) the current and most reliable projections
18 regarding the costs of the siting, design, development,
19 construction, operation, closure, decommissioning, and
20 post-closure care of a regional disposal facility;

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

25 (5) the nature and extent of the available, if any,
26 storage and disposal facilities outside the region of the

1 Compact for storage and disposal of low-level radioactive
2 waste generated from within the region of the Compact; and

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

18 (c-5) Following submittal of the report pursuant to
19 subsection (c-3) of this Section, the Agency ~~Department~~ may
20 adopt rules establishing a site selection process for the
21 regional disposal facility. In developing rules, the Agency
22 ~~Department~~ shall, at a minimum, consider the following:

23 (1) A comprehensive and open process under which the
24 land for sites recommended and proposed by the contractor
25 under subsection (e) of this Section shall be volunteered
26 lands as provided in this Section. Land may be volunteered

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

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

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

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

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

1 (d) The contractor selected by the Agency ~~Department~~ under
2 Sections 5 and 10 of this Act shall conduct evaluations,
3 including possible intrusive field investigations, of the
4 sites and locations identified under the site selection process
5 established under subsection (c-5) of this Section.

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

23 (f) A report completed under subsection (e) of this Section
24 that recommends a proposed site shall also be submitted to the
25 chairman of the Task Group. Within 45 days following receipt of
26 a report, the chairman of the Task Group shall publish in

1 newspapers of general circulation in the county or counties in
2 which a proposed site is located a notice of the availability
3 of the report and a notice of a public meeting. The chairman of
4 the Task Group shall also, within the 45-day period, provide
5 copies of the report and the notice to the Governor, the
6 President and Minority Leader of the Senate, the Speaker and
7 Minority Leader of the House, members of the General Assembly
8 from the legislative district or districts in which a proposed
9 site is located, the county board or boards of the county or
10 counties containing a proposed site, and each city, village,
11 and incorporated town within a 5 mile radius of a proposed
12 site. The chairman of the Task Group shall make copies of the
13 report available without charge to the public.

14 (g) The chairman of the Task Group shall convene at least
15 one public meeting on each proposed site. At the public meeting
16 or meetings, the contractor selected by the Agency ~~Department~~
17 shall present the results of the evaluation of the proposed
18 site. The Task Group shall receive such other written and oral
19 information about the proposed site that may be submitted at
20 the meeting. Following the meeting, the Task Group shall decide
21 whether the proposed site satisfies the criteria adopted under
22 subsection (b) of this Section. If the Task Group determines
23 that the proposed site does not satisfy the criteria, the
24 Agency ~~Department~~ may require a contractor to submit a further
25 report pursuant to subsection (e) of this Section proposing
26 another site from the locations identified under the site

1 selection process established pursuant to subsection (c-5) of
2 this Section as likely to satisfy the criteria. Following
3 notice and distribution of the report as required by subsection
4 (f) of this Section, the new proposed site shall be the subject
5 of a public meeting under this subsection. The contractor
6 selected by the Agency ~~Department~~ shall propose additional
7 sites, and the Task Group shall conduct additional public
8 meetings, until the Task Group has approved a proposed site
9 recommended by a contractor as satisfying the criteria adopted
10 under subsection (b) of this Section. In the event that the
11 Task Group does not approve any of the proposed sites
12 recommended by the contractor under this subsection as
13 satisfying the criteria adopted under subsection (b) of this
14 Section, the Task Group shall immediately suspend all work and
15 the Agency ~~Department~~ shall prepare a study containing, at a
16 minimum, the Agency's ~~Department's~~ recommendations regarding
17 the viability of the site selection process established
18 pursuant to this Act, based on the factors and circumstances
19 specified in items (1) through (6) of subsection (c-3) of
20 Section 10.2. The Agency ~~Department~~ shall provide copies of the
21 study to the Governor, the President and Minority Leader of the
22 Senate, and the Speaker and Minority Leader of the House. The
23 Agency ~~Department~~ shall also publish a notice of availability
24 of the study in the State newspaper and make copies of the
25 report available without charge to the public.

26 (h) (Blank).

1 (i) Upon the Task Group's decision that a proposed site
2 satisfies the criteria adopted under subsection (b) of this
3 Section, the contractor shall proceed with the
4 characterization and licensure of the proposed site under
5 Section 10.3 of this Act and the Task Group shall immediately
6 suspend all work, except as otherwise specifically required in
7 subsection (b) of Section 10.3 of this Act.

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

9 (420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

10 Sec. 10.3. Site characterization; license application;
11 adjudicatory hearing; exclusivity.

12 (a) If the contractor, following characterization,
13 determines that the proposed site is appropriate for the
14 development of a regional disposal facility, (i) the contractor
15 shall submit to the Agency Department an application for a
16 license to construct and operate the facility at the selected
17 site and (ii) the Task Group shall be abolished and its records
18 transferred to the Agency Department.

19 (b) If the contractor determines, following or at any time
20 during characterization of the site proposed under Section 10.2
21 of this Act, that the proposed site is not appropriate for the
22 development of a regional disposal facility, the Agency
23 ~~Department~~ may require the contractor to propose an additional
24 site to the Task Group from the locations identified under the
25 site selection process established under subsection (c-5) of

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

19 (c) The Agency ~~Department~~ shall review the license
20 application filed pursuant to Section 8 and subsections (a) and
21 (b) of this Section in accordance with its rules and the
22 agreement between the State of Illinois and the Nuclear
23 Regulatory Commission under Section 274 of the Atomic Energy
24 Act. If the Agency ~~Department~~ determines that the license
25 should be issued, the Agency ~~Department~~ shall publish in the
26 State newspaper a notice of intent to issue the license.

1 Objections to issuance of the license may be filed within 90
2 days of publication of the notice. Upon receipt of objections,
3 the Director shall appoint a hearing officer who shall conduct
4 an adjudicatory hearing on the objections. The burden of proof
5 at the hearing shall be on the person filing the objections.
6 Upon completion of the hearing, the hearing officer shall
7 recommend to the Director whether the license should be issued.
8 The decision of the Director to issue or deny the license may
9 be appealed under Section 18.

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

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

19 (420 ILCS 20/11) (from Ch. 111 1/2, par. 241-11)

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

21 (a) (Blank).

22 (b) (Blank).

23 (c) At any time necessary, as determined by the Director,
24 to ensure proper planning and policy responses relating to the
25 continued availability of facilities for the storage and

1 disposal of low-level radioactive wastes, the Agency
2 ~~Department~~ shall deliver to the Governor, the President and
3 Minority Leader of the Senate, and the Speaker and Minority
4 Leader of the House a report that shall include, at a minimum,
5 an analysis of the impacts of restrictions on disposal of
6 low-level radioactive waste at commercial disposal facilities
7 outside the State of Illinois and the Agency's ~~Department's~~
8 analysis of, and recommendations regarding, the feasibility of
9 a centralized interim storage facility for low-level
10 radioactive waste generated within the region of the Compact
11 and the nature and extent, if any, of the generator's or any
12 other entity's responsibility for or title to the waste to be
13 stored at a centralized interim storage facility after the
14 waste has been delivered to that facility.

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

16 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

17 Sec. 13. Waste fees.

18 (a) The Agency ~~Department~~ shall collect a fee from each
19 generator of low-level radioactive wastes in this State. Except
20 as provided in subsections (b), (c), and (d), the amount of the
21 fee shall be \$50.00 or the following amount, whichever is
22 greater:

23 (1) \$1 per cubic foot of waste shipped for storage,
24 treatment or disposal if storage of the waste for shipment
25 occurred prior to September 7, 1984;

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

4 (3) \$3 per cubic foot of waste stored for shipment if
5 storage of the waste occurs on or after October 1, 1985;

6 (4) \$2 per cubic foot of waste shipped for storage,
7 treatment or disposal if storage of the waste for shipment
8 occurs on or after September 7, 1984 but prior to October
9 1, 1985, provided that no fee has been collected previously
10 for storage of the waste;

11 (5) \$3 per cubic foot of waste shipped for storage,
12 treatment or disposal if storage of the waste for shipment
13 occurs on or after October 1, 1985, provided that no fees
14 have been collected previously for storage of the waste.

15 Such fees shall be collected annually or as determined by
16 the Agency ~~Department~~ and shall be deposited in the low-level
17 radioactive waste funds as provided in Section 14 of this Act.
18 Notwithstanding any other provision of this Act, no fee under
19 this Section shall be collected from a generator for waste
20 generated incident to manufacturing before December 31, 1980,
21 and shipped for disposal outside of this State before December
22 31, 1992, as part of a site reclamation leading to license
23 termination.

24 (b) Each nuclear power reactor in this State for which an
25 operating license has been issued by the Nuclear Regulatory
26 Commission shall not be subject to the fee required by

1 subsection (a) with respect to (1) waste stored for shipment if
2 storage of the waste occurs on or after January 1, 1986; and
3 (2) waste shipped for storage, treatment or disposal if storage
4 of the waste for shipment occurs on or after January 1, 1986.
5 In lieu of the fee, each reactor shall be required to pay an
6 annual fee as provided in this subsection for the treatment,
7 storage and disposal of low-level radioactive waste. Beginning
8 with State fiscal year 1986 and through State fiscal year 1997,
9 fees shall be due and payable on January 1st of each year. For
10 State fiscal year 1998 and all subsequent State fiscal years,
11 fees shall be due and payable on July 1 of each fiscal year.
12 The fee due on July 1, 1997 shall be payable on that date, or
13 within 10 days after the effective date of this amendatory Act
14 of 1997, whichever is later.

15 The owner of any nuclear power reactor that has an
16 operating license issued by the Nuclear Regulatory Commission
17 for any portion of State fiscal year 1998 shall continue to pay
18 an annual fee of \$90,000 for the treatment, storage, and
19 disposal of low-level radioactive waste through State fiscal
20 year 2002. The fee shall be due and payable on July 1 of each
21 fiscal year. The fee due on July 1, 1998 shall be payable on
22 that date, or within 10 days after the effective date of this
23 amendatory Act of 1998, whichever is later. If the balance in
24 the Low-Level Radioactive Waste Facility Development and
25 Operation Fund falls below \$500,000, as of the end of any
26 fiscal year after fiscal year 2002, the Agency ~~Department~~ is

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

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

19 The fee shall be due and payable as follows: in fiscal year
20 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
21 shall be paid on each of January 1, 1988 and April 1, 1988; in
22 fiscal year 1989, \$102,000 shall be paid on each of July 1,
23 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
24 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
25 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
26 the operating license is issued during one of the 3 fiscal

1 years, the owner shall be subject to those payment dates, and
2 their corresponding amounts, on which the owner possesses an
3 operating license and, on June 30 of the fiscal year of
4 issuance of the license, whatever amount of the prorated fee
5 remains outstanding.

6 All of the amounts collected by the Agency ~~Department~~ under
7 this subsection (c) shall be deposited into the Low-Level
8 Radioactive Waste Facility Development and Operation Fund
9 created under subsection (a) of Section 14 of this Act and
10 expended, subject to appropriation, for the purposes provided
11 in that subsection.

12 (d) In addition to the fees imposed in subsections (b) and
13 (c), the owners of nuclear power reactors in this State for
14 which operating licenses have been issued by the Nuclear
15 Regulatory Commission shall pay the following fees for each
16 such nuclear power reactor: for State fiscal year 1989,
17 \$325,000 payable on October 1, 1988, \$162,500 payable on
18 January 1, 1989, and \$162,500 payable on April 1, 1989; for
19 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
20 payable on October 1, \$300,000 payable on January 1 and
21 \$300,000 payable on April 1; for State fiscal year 1991, either
22 (1) \$150,000 payable on July 1, \$650,000 payable on September
23 1, \$675,000 payable on January 1, and \$275,000 payable on April
24 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
25 month from August through December, \$225,000 on the first day
26 of each month from January through March and \$92,000 on the

1 first day of each month from April through June; for State
2 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
3 on September 1, \$300,000 payable on October 1, \$150,000 payable
4 on January 1, and \$100,000 payable on April 1; for State fiscal
5 year 1993, \$100,000 payable on July 1, \$230,000 payable on
6 August 1 or within 10 days after July 31, 1992, whichever is
7 later, and \$355,000 payable on October 1; for State fiscal year
8 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
9 and \$75,000 payable on April 1; for State fiscal year 1995,
10 \$100,000 payable on July 1, \$75,000 payable on October 1, and
11 \$75,000 payable on April 1, for State fiscal year 1996,
12 \$100,000 payable on July 1, \$75,000 payable on October 1, and
13 \$75,000 payable on April 1. The owner of any nuclear power
14 reactor that has an operating license issued by the Nuclear
15 Regulatory Commission for any portion of State fiscal year 1998
16 shall pay an annual fee of \$30,000 through State fiscal year
17 2003. For State fiscal year 2004 and subsequent fiscal years,
18 the owner of any nuclear power reactor that has an operating
19 license issued by the Nuclear Regulatory Commission shall pay
20 an annual fee of \$30,000 per reactor, provided that the fee
21 shall not apply to a nuclear power reactor with regard to which
22 the owner notified the Nuclear Regulatory Commission during
23 State fiscal year 1998 that the nuclear power reactor
24 permanently ceased operations. The fee shall be due and payable
25 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
26 be payable on that date, or within 10 days after the effective

1 date of this amendatory Act of 1998, whichever is later. The
2 fee due on July 1, 1997 shall be payable on that date or within
3 10 days after the effective date of this amendatory Act of
4 1997, whichever is later. If the payments under this subsection
5 for fiscal year 1993 due on January 1, 1993, or on April 1,
6 1993, or both, were due before the effective date of this
7 amendatory Act of the 87th General Assembly, then those
8 payments are waived and need not be made.

9 All of the amounts collected by the Agency ~~Department~~ under
10 this subsection (d) shall be deposited into the Low-Level
11 Radioactive Waste Facility Development and Operation Fund
12 created pursuant to subsection (a) of Section 14 of this Act
13 and expended, subject to appropriation, for the purposes
14 provided in that subsection.

15 All payments made by licensees under this subsection (d)
16 for fiscal year 1992 that are not appropriated and obligated by
17 the Agency ~~Department~~ above \$1,750,000 per reactor in fiscal
18 year 1992, shall be credited to the licensees making the
19 payments to reduce the per reactor fees required under this
20 subsection (d) for fiscal year 1993.

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

- 25 (1) the records necessary to identify the amounts of
26 low-level radioactive wastes produced;

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

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

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

1 costs with respect to the disposal facility and its
2 development, including any capitalized reserves; and (iv)
3 payments with respect to reserves, accounts, escrows or trust
4 funds required by law or otherwise provided for under the
5 operating agreement.

6 (g) (Blank).

7 (h) (Blank).

8 (i) (Blank).

9 (j) (Blank).

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

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

21 (l) The Agency Department shall have the power, in the
22 event that acceptance of waste for disposal at the regional
23 disposal facility is suspended, delayed or interrupted, to
24 impose emergency fees on the generators of low-level
25 radioactive waste. Generators shall pay emergency fees within
26 30 days of receipt of notice of the emergency fees. The

1 Department shall deposit all of the receipts of any fees
2 collected under this subsection into the Low-Level Radioactive
3 Waste Facility Development and Operation Fund created under
4 subsection (b) of Section 14. Emergency fees may be used to
5 mitigate the impacts of the suspension or interruption of
6 acceptance of waste for disposal. The requirements for
7 rulemaking in the Illinois Administrative Procedure Act shall
8 not apply to the imposition of emergency fees under this
9 subsection.

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

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

13 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

14 Sec. 14. Waste management funds.

15 (a) There is hereby created in the State Treasury a special
16 fund to be known as the "Low-Level Radioactive Waste Facility
17 Development and Operation Fund". All monies within the
18 Low-Level Radioactive Waste Facility Development and Operation
19 Fund shall be invested by the State Treasurer in accordance
20 with established investment practices. Interest earned by such
21 investment shall be returned to the Low-Level Radioactive Waste
22 Facility Development and Operation Fund. Except as otherwise
23 provided in this subsection, the Agency ~~Department~~ shall
24 deposit 80% of all receipts from the fees required under
25 subsections (a) and (b) of Section 13 in the State Treasury to

1 the credit of this Fund. Beginning July 1, 1997, and until
2 December 31 of the year in which the Task Group approves a
3 proposed site under Section 10.3, the Department shall deposit
4 all fees collected under subsections (a) and (b) of Section 13
5 of this Act into the Fund. Subject to appropriation, the Agency
6 ~~Department~~ is authorized to expend all moneys in the Fund in
7 amounts it deems necessary for:

8 (1) hiring personnel and any other operating and
9 contingent expenses necessary for the proper
10 administration of this Act;

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

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

15 (4) hiring personnel, contracting with any person, and
16 meeting any other expenses incurred by the Agency
17 ~~Department~~ in fulfilling its responsibilities under the
18 Radioactive Waste Compact Enforcement Act;

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

20 (6) payment of fees in lieu of taxes to a local
21 government having within its boundaries a regional
22 disposal facility;

23 (7) payment of grants to counties or municipalities
24 under Section 12.1; and

25 (8) fulfillment of obligations under a community
26 agreement under Section 12.1.

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

23 (b) There is hereby created in the State Treasury a special
24 fund to be known as the "Low-Level Radioactive Waste Facility
25 Closure, Post-Closure Care and Compensation Fund". All monies
26 within the Low-Level Radioactive Waste Facility Closure,

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

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

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

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

26 (4) the purchase of facility and third-party liability

1 insurance necessary during the institutional control
2 period of the regional disposal facility;

3 (5) mitigating the impacts of the suspension or
4 interruption of the acceptance of waste for disposal;

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

9 (7) fulfillment of obligations under a community
10 agreement under Section 12.1.

11 On or before March 1 of each year, the Agency ~~Department~~
12 shall deliver to the Governor, the President and Minority
13 Leader of the Senate, the Speaker and Minority Leader of the
14 House, and each of the generators that have contributed during
15 the preceding State fiscal year to the Fund a financial
16 statement, certified and verified by the Director, which
17 details all receipts and expenditures from the Fund during the
18 preceding State fiscal year. The financial statements shall
19 identify all sources of income to the Fund and all recipients
20 of expenditures from the Fund, shall specify the amounts of all
21 the income and expenditures, and shall indicate the amounts of
22 all the income and expenditures, and shall indicate the purpose
23 for all expenditures.

24 (c) (Blank).

25 (d) The Agency ~~Department~~ may accept for any of its
26 purposes and functions any donations, grants of money,

1 equipment, supplies, materials, and services from any state or
2 the United States, or from any institution, person, firm or
3 corporation. Any donation or grant of money received after
4 January 1, 1986 shall be deposited in either the Low-Level
5 Radioactive Waste Facility Development and Operation Fund or
6 the Low-Level Radioactive Waste Facility Closure, Post-Closure
7 Care and Compensation Fund, in accordance with the purpose of
8 the grant.

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

10 (420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

11 Sec. 15. Compensation.

12 (a) Any person may apply to the Agency ~~Department~~ pursuant
13 to this Section for compensation of a loss caused by the
14 release, in Illinois, of radioactivity from the regional
15 disposal facility. The Department shall prescribe appropriate
16 forms and procedures for claims filed pursuant to this Section,
17 which shall include, as a minimum, the following:

18 (1) Provisions requiring the claimant to make a sworn
19 verification of the claim to the best of his or her
20 knowledge.

21 (2) A full description, supported by appropriate
22 evidence from government agencies, of the release of the
23 radioactivity claimed to be the cause of the physical
24 injury, illness, loss of income or property damage.

25 (3) If making a claim based upon physical injury or

1 illness, certification of the medical history of the
2 claimant for the 5 years preceding the date of the claim,
3 along with certification of the alleged physical injury or
4 illness, and expenses for the physical injury or illness,
5 made by hospitals, physicians or other qualified medical
6 authorities.

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

11 (b) The Agency ~~Department~~ shall hold at least one hearing,
12 if requested by the claimant, within 60 days of submission of a
13 claim to the Agency ~~Department~~. The Director shall render a
14 decision on a claim within 30 days of the hearing unless all of
15 the parties to the claim agree in writing to an extension of
16 time. All decisions rendered by the Director shall be in
17 writing, with notification to all appropriate parties. The
18 decision shall be considered a final administrative decision
19 for the purposes of judicial review.

20 (c) The following losses shall be compensable under this
21 Section, provided that the Agency ~~Department~~ has found that the
22 claimant has established, by the weight of the evidence, that
23 the losses were proximately caused by the designated release
24 and are not otherwise compensable under law:

25 (1) One hundred percent of uninsured, out-of-pocket
26 medical expenses, for up to 3 years from the onset of

1 treatment;

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

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

8 (4) One hundred percent of costs of any remedial
9 actions on such property necessary to protect human health
10 and the environment.

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

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

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

1 reviewing claims.

2 (g) Claims approved by the Director shall be paid from the
3 Low-Level Radioactive Waste Facility Closure, Post-Closure
4 Care and Compensation Fund, except that claims shall not be
5 paid in excess of the amount available in the Fund. In the case
6 of insufficient amounts in the Fund to satisfy claims against
7 the Fund, the General Assembly may appropriate monies to the
8 Fund in amounts it deems necessary to pay the claims.

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

10 (420 ILCS 20/17) (from Ch. 111 1/2, par. 241-17)

11 Sec. 17. Penalties.

12 (a) Any person operating any facility in violation of
13 Section 8 shall be subject to a civil penalty not to exceed
14 \$100,000 per day of violation.

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

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

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

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

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

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

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

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

20 Section 40. The Radioactive Waste Storage Act is amended by
21 changing Sections 1, 2, 3, 4, 5, and 6 as follows:

22 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

23 Sec. 1. The Director of the Emergency Management Agency

1 ~~Nuclear Safety~~ is authorized to acquire by private purchase,
2 acceptance, or by condemnation in the manner provided for the
3 exercise of the power of eminent domain under the Eminent
4 Domain Act, any and all lands, buildings and grounds where
5 radioactive by-products and wastes produced by industrial,
6 medical, agricultural, scientific or other organizations can
7 be concentrated, stored or otherwise disposed in a manner
8 consistent with the public health and safety. Whenever, in the
9 judgment of the Director of the Emergency Management Agency
10 ~~Nuclear Safety~~, it is necessary to relocate existing facilities
11 for the construction, operation, closure or long-term care of a
12 facility for the safe and secure disposal of low-level
13 radioactive waste, the cost of relocating such existing
14 facilities may be deemed a part of the disposal facility land
15 acquisition and the Illinois Emergency Management Agency
16 ~~Department of Nuclear Safety~~ may, on behalf of the State, pay
17 such costs. Existing facilities include public utilities,
18 commercial or industrial facilities, residential buildings,
19 and such other public or privately owned buildings as the
20 Director of the Emergency Management Agency ~~Nuclear Safety~~
21 deems necessary for relocation. The Illinois Emergency
22 Management Agency ~~Department of Nuclear Safety~~ is authorized to
23 operate a relocation program, and to pay such costs of
24 relocation as are provided in the federal "Uniform Relocation
25 Assistance and Real Property Acquisition Policies Act", Public
26 Law 91-646. The Director of the Emergency Management Agency

1 ~~Nuclear Safety~~ is authorized to exceed the maximum payments
2 provided pursuant to the federal "Uniform Relocation
3 Assistance and Real Property Acquisition Policies Act" if
4 necessary to assure the provision of decent, safe, and sanitary
5 housing, or to secure a suitable alternate location. Payments
6 issued under this Section shall be made from the Low-level
7 Radioactive Waste Facility Development and Operation Fund
8 established by the Illinois Low-Level Radioactive Waste
9 Management Act.

10 (Source: P.A. 94-1055, eff. 1-1-07.)

11 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

12 Sec. 2. The Director of the Emergency Management Agency
13 ~~Nuclear Safety~~ may accept, receive, and receipt for moneys or
14 lands, buildings and grounds for and in behalf of the State,
15 given by the Federal Government under any federal law to the
16 State or by any other public or private agency, for the
17 acquisition or operation of a site or sites for the
18 concentration and storage of radioactive wastes. Such funds
19 received by the Director pursuant to this section shall be
20 deposited with the State Treasurer and held and disbursed by
21 him in accordance with "An Act in relation to the receipt,
22 custody, and disbursement of money allotted by the United
23 States of America or any agency thereof for use in this State",
24 approved July 3, 1939, as amended. Provided that such moneys or
25 lands, buildings and grounds shall be used only for the

1 purposes for which they are contributed.

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

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

4 Sec. 3. The Director of the Emergency Management Agency
5 ~~Nuclear Safety~~ may lease such lands, buildings and grounds as
6 it may acquire under the provisions of this Act to a private
7 firm or firms for the purpose of operating a site or sites for
8 the concentration and storage of radioactive wastes or for such
9 other purpose not contrary to the public interests.

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

11 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

12 Sec. 4. The operation of any and all sites acquired for the
13 concentration and storage of radioactive wastes shall be under
14 the direct supervision of the Illinois Emergency Management
15 Agency ~~Department of Nuclear Safety~~ and shall be in accordance
16 with regulations promulgated and enforced by the Agency
17 ~~Department~~ to protect the public health and safety.

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

19 (420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

20 Sec. 5. The Director of the Emergency Management Agency
21 ~~Nuclear Safety~~ is authorized to enter into contracts as he may
22 deem necessary for carrying out the provisions of this Act.
23 Such contracts may include the assessment of fees by the Agency

1 ~~Director~~. The fees required shall be established at a rate
2 which provides an annual amount equal to the anticipated
3 reasonable cost necessary to maintain, monitor, and otherwise
4 supervise and care for lands and facilities as required in the
5 interest of public health and safety.

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

7 (420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

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

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

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

19 Section 45. The Radioactive Waste Tracking and Permitting
20 Act is amended by changing Sections 5, 10, and 15 as follows:

21 (420 ILCS 37/5)

22 Sec. 5. Legislative findings.

23 (a) The General Assembly finds:

24 (1) that a considerable volume of wastes are produced

1 in this State with even greater volumes to be produced in
2 the future;

3 (2) that these wastes pose a significant risk to the
4 public health, safety and welfare of the people of
5 Illinois; and

6 (3) that it is the obligation of the State of Illinois
7 to its citizens to provide for the safe management of the
8 wastes produced within its borders.

9 (b) It is the intent of this Act to authorize the Emergency
10 Management Agency ~~Department of Nuclear Safety~~ to establish, by
11 regulation, a tracking system for the regulation of the use of
12 facilities licensed under Section 8 of the Illinois Low-Level
13 Radioactive Waste Management Act.

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

15 (420 ILCS 37/10)

16 Sec. 10. Definitions.

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

19 (b) "Director" means the Director of the Emergency
20 Management Agency ~~Department of Nuclear Safety~~.

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

23 (d) "Facility" means a parcel of land or a site, together
24 with structures, equipment, and improvements on or appurtenant
25 to the land or site, that is used or is being developed for the

1 treatment, storage, or disposal of low-level radioactive
2 waste.

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

10 (f) "Person" means an individual, corporation, business
11 enterprise, or other legal entity, public or private, or any
12 legal successor, representative, agent, or agency of that
13 individual, corporation, business enterprise, or legal entity.

14 (g) "Regional facility" or "disposal facility" means a
15 facility that is located in Illinois and established by
16 Illinois, under designation of Illinois as a host state by the
17 Commission for disposal of waste.

18 (h) "Storage" means the temporary holding of waste for
19 treatment or disposal for a period determined by Agency
20 ~~Department~~ regulations.

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

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

2 (420 ILCS 37/15)

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

5 (a) Upon adoption of regulations under subsection (c) of
6 this Section, no person shall deposit any low-level radioactive
7 waste at a storage, treatment, or disposal facility in Illinois
8 licensed under Section 8 of the Illinois Low-Level Radioactive
9 Waste Management Act without a permit granted by the Illinois
10 Emergency Management Agency ~~Department of Nuclear Safety~~.

11 (b) Upon adoption of regulations under subsection (c) of
12 this Section, no person shall operate a storage, treatment, or
13 disposal facility licensed under Section 8 of the Illinois
14 Low-Level Radioactive Waste Management Act without a permit
15 granted by the Illinois Emergency Management Agency ~~Department~~
16 ~~of Nuclear Safety~~.

17 (c) The Illinois Emergency Management Agency ~~Department of~~
18 ~~Nuclear Safety~~ shall adopt regulations providing for the
19 issuance, suspension, and revocation of permits required under
20 subsections (a) and (b) of this Section. The regulations may
21 provide a system for tracking low-level radioactive waste to
22 ensure that waste that other states are responsible for
23 disposing of under federal law does not become the
24 responsibility of the State of Illinois. The regulations shall
25 be consistent with the Federal Hazardous Materials

1 Transportation Act.

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

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

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

20 Section 50. The Radiation Protection Act of 1990 is amended
21 by changing Sections 4 and 6 as follows:

22 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

23 (Section scheduled to be repealed on January 1, 2011)

24 Sec. 4. Definitions. As used in this Act:

1 (a) "Accreditation" means the process by which the Agency
2 grants permission to persons meeting the requirements of this
3 Act and the Agency's ~~Department's~~ rules and regulations to
4 engage in the practice of administering radiation to human
5 beings.

6 (a-2) "Agency" means the Illinois Emergency Management
7 Agency.

8 (a-3) "Assistant Director" means the Assistant Director of
9 the Agency.

10 (a-5) "By-product material" means: (1) any radioactive
11 material (except special nuclear material) yielded in or made
12 radioactive by exposure to radiation incident to the process of
13 producing or utilizing special nuclear material; and (2) the
14 tailings or wastes produced by the extraction or concentration
15 of uranium or thorium from any ore processed primarily for its
16 source material content, including discrete surface wastes
17 resulting from underground solution extraction processes but
18 not including underground ore bodies depleted by such solution
19 extraction processes.

20 (b) (Blank).

21 (c) (Blank).

22 (d) "General license" means a license, pursuant to
23 regulations promulgated by the Agency, effective without the
24 filing of an application to transfer, acquire, own, possess or
25 use quantities of, or devices or equipment utilizing,
26 radioactive material, including but not limited to by-product,

1 source or special nuclear materials.

2 (d-1) "Identical in substance" means the regulations
3 promulgated by the Agency would require the same actions with
4 respect to ionizing radiation, for the same group of affected
5 persons, as would federal laws, regulations, or orders if any
6 federal agency, including but not limited to the Nuclear
7 Regulatory Commission, Food and Drug Administration, or
8 Environmental Protection Agency, administered the subject
9 program in Illinois.

10 (d-3) "Mammography" means radiography of the breast
11 primarily for the purpose of enabling a physician to determine
12 the presence, size, location and extent of cancerous or
13 potentially cancerous tissue in the breast.

14 (d-7) "Operator" is an individual, group of individuals,
15 partnership, firm, corporation, association, or other entity
16 conducting the business or activities carried on within a
17 radiation installation.

18 (e) "Person" means any individual, corporation,
19 partnership, firm, association, trust, estate, public or
20 private institution, group, agency, political subdivision of
21 this 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.

1 "Person" also includes a federal entity (and its contractors)
2 if the federal entity agrees to be regulated by the State or as
3 otherwise allowed under federal law.

4 (f) "Radiation" or "ionizing radiation" means gamma rays
5 and x-rays, alpha and beta particles, high speed electrons,
6 neutrons, protons, and other nuclear particles or
7 electromagnetic radiations capable of producing ions directly
8 or indirectly in their passage through matter; but does not
9 include sound or radio waves or visible, infrared, or
10 ultraviolet light.

11 (f-5) "Radiation emergency" means the uncontrolled release
12 of radioactive material from a radiation installation which
13 poses a potential threat to the public health, welfare, and
14 safety.

15 (g) "Radiation installation" is any location or facility
16 where radiation machines are used or where radioactive material
17 is produced, transported, stored, disposed of, or used for any
18 purpose.

19 (h) "Radiation machine" is any device that produces
20 radiation when in use.

21 (i) "Radioactive material" means any solid, liquid, or
22 gaseous substance which emits radiation spontaneously.

23 (j) "Radiation source" or "source of ionizing radiation"
24 means a radiation machine or radioactive material as defined
25 herein.

26 (k) "Source material" means (1) uranium, thorium, or any

1 other material which the Agency declares by order to be source
2 material after the United States Nuclear Regulatory
3 Commission, or any successor thereto, has determined the
4 material to be such; or (2) ores containing one or more of the
5 foregoing materials, in such concentration as the Agency
6 declares by order to be source material after the United States
7 Nuclear Regulatory Commission, or any successor thereto, has
8 determined the material in such concentration to be source
9 material.

10 (1) "Special nuclear material" means (1) plutonium,
11 uranium 233, uranium enriched in the isotope 233 or in the
12 isotope 235, and any other material which the Agency declares
13 by order to be special nuclear material after the United States
14 Nuclear Regulatory Commission, or any successor thereto, has
15 determined the material to be such, but does not include source
16 material; or (2) any material artificially enriched by any of
17 the foregoing, but does not include source material.

18 (m) "Specific license" means a license, issued after
19 application, to use, manufacture, produce, transfer, receive,
20 acquire, own, or possess quantities of, or devices or equipment
21 utilizing radioactive materials.

22 (Source: P.A. 94-104, eff. 7-1-05; 95-511, eff. 8-28-07.)

23 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

24 (Section scheduled to be repealed on January 1, 2011)

25 Sec. 6. Accreditation of administrators of radiation;

1 Limited scope accreditation; Rules and regulations; Education.

2 (a) The Agency shall promulgate such rules and regulations
3 as are necessary to establish accreditation standards and
4 procedures, including a minimum course of education and
5 continuing education requirements in the administration of
6 radiation to human beings, which are appropriate to the
7 classification of accreditation and which are to be met by all
8 physician assistants, advanced practice nurses, nurses,
9 technicians, or other assistants who administer radiation to
10 human beings under the supervision of a person licensed under
11 the Medical Practice Act of 1987. Such rules and regulations
12 may provide for different classes of accreditation based on
13 evidence of national certification, clinical experience or
14 community hardship as conditions of initial and continuing
15 accreditation. The rules and regulations of the Agency shall be
16 consistent with national standards in regard to the protection
17 of the health and safety of the general public.

18 (b) The rules and regulations shall also provide that
19 persons who have been accredited by the Agency, in accordance
20 with the Radiation Protection Act, without passing an
21 examination, will remain accredited as provided in Section 43
22 of this Act and that those persons may be accredited, without
23 passing an examination, to use other equipment, procedures, or
24 supervision within the original category of accreditation if
25 the Agency receives written assurances from a person licensed
26 under the Medical Practice Act of 1987, that the person

1 accredited has the necessary skill and qualifications for such
2 additional equipment procedures or supervision. The Agency
3 shall, in accordance with subsection (c) of this Section,
4 provide for the accreditation of nurses, technicians, or other
5 assistants, unless exempted elsewhere in this Act, to perform a
6 limited scope of diagnostic radiography procedures of the
7 chest, the extremities, skull and sinuses, or the spine, while
8 under the supervision of a person licensed under the Medical
9 Practice Act of 1987.

10 (c) The rules or regulations promulgated by the Agency
11 pursuant to subsection (a) shall establish standards and
12 procedures for accrediting persons to perform a limited scope
13 of diagnostic radiography procedures. The rules or regulations
14 shall require persons seeking limited scope accreditation to
15 register with the Agency as a "student-in-training," and
16 declare those procedures in which the student will be receiving
17 training. The student-in-training registration shall be valid
18 for a period of 16 months, during which the time the student
19 may, under the supervision of a person licensed under the
20 Medical Practice Act of 1987, perform the diagnostic
21 radiography procedures listed on the student's registration.
22 The student-in-training registration shall be nonrenewable.

23 Upon expiration of the 16 month training period, the
24 student shall be prohibited from performing diagnostic
25 radiography procedures unless accredited by the Agency to
26 perform such procedures. In order to be accredited to perform a

1 limited scope of diagnostic radiography procedures, an
2 individual must pass an examination offered by the Agency. The
3 examination shall be consistent with national standards in
4 regard to protection of public health and safety. The
5 examination shall consist of a standardized component covering
6 general principles applicable to diagnostic radiography
7 procedures and a clinical component specific to the types of
8 procedures for which accreditation is being sought. The Agency
9 may assess a reasonable fee for such examinations to cover the
10 costs incurred by the Agency ~~Department~~ in conjunction with
11 offering the examinations.

12 (d) The Agency shall by rule or regulation exempt from
13 accreditation physician assistants, advanced practice nurses,
14 nurses, technicians, or other assistants who administer
15 radiation to human beings under supervision of a person
16 licensed to practice under the Medical Practice Act of 1987
17 when the services are performed on employees of a business at a
18 medical facility owned and operated by the business. Such
19 exemption shall only apply to the equipment, procedures and
20 supervision specific to the medical facility owned and operated
21 by the business.

22 (Source: P.A. 93-149, eff. 7-10-03; 94-104, eff. 7-1-05.)

23 Section 55. The Uranium and Thorium Mill Tailings Control
24 Act is amended by changing Sections 5, 10, 15, 25, 30, 32, 35,
25 and 40 as follows:

1 (420 ILCS 42/5)

2 Sec. 5. Legislative findings.

3 (a) The General Assembly finds:

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

7 (2) that such radioactive materials pose a significant
8 risk to the public health, safety, and welfare of the
9 people of Illinois; and

10 (3) that the Emergency Management Agency ~~Department of~~
11 ~~Nuclear Safety~~, pursuant to the provisions of the Radiation
12 Protection Act of 1990, regulates the generation,
13 possession, use, and disposal of such materials to protect
14 the public health and safety from the radiation risks
15 associated with these materials and to ensure that they do
16 not pose an undue risk to the public health, safety, or the
17 environment; and

18 (4) that in addition to this regulation, it is
19 beneficial for the State to have a policy promoting the
20 safe and timely decommissioning of source material milling
21 facilities that have come to the end of their productive
22 lives and the safe and effective decontamination of areas
23 within the State that are contaminated with uranium or
24 thorium mill tailings.

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

1 (1) that the Director, as represented by the Attorney
2 General, and Kerr-McGee Chemical Corporation entered into
3 an agreement dated May 19, 1994 and other related
4 agreements to facilitate the removal of by-product
5 material from the City of West Chicago in reliance upon the
6 enactment of this amendatory Act of 1994;

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

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

12 (b) It is the purpose of this Act to establish a
13 comprehensive program for the timely decommissioning of
14 uranium and thorium mill tailings facilities in Illinois and
15 for the decontamination of properties that are contaminated
16 with uranium or thorium mill tailings. It is the intent of the
17 General Assembly that such a program provide for the safe
18 management of these mill tailings and that the program
19 encourage public participation in all phases of the development
20 of this management program. It is further the intent of the
21 General Assembly that this program be in addition to the
22 regulatory program established in the Radiation Protection Act
23 of 1990.

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

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

2 "Agency" means the Illinois Emergency Management Agency.

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

10 ~~"Department" means the Department of Nuclear Safety.~~

11 "Director" means the Director of the Emergency Management
12 Agency ~~Department of Nuclear Safety.~~

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

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

25 "Source material" means (i) uranium, thorium, or any other
26 material that the Agency ~~Department~~ declares by order to be

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

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

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

13 (420 ILCS 42/15)

14 Sec. 15. Storage fees.

15 (a) Beginning January 1, 1994, an annual fee shall be
16 imposed on the owner or operator of any property that has been
17 used in whole or in part for the milling of source material and
18 is being used for the storage or disposal of by-product
19 material, equal to \$2 per cubic foot of by-product material
20 being stored or disposed of by the facility. After a facility
21 is cleaned up in accordance with the Agency's ~~Department's~~
22 radiological soil clean-up criteria, no fee shall be due,
23 imposed upon, or collected from an owner. No fee shall be
24 imposed upon any by-product material moved to a facility in
25 contemplation of the subsequent removal of the by-product

1 material pursuant to law or upon any by-product material moved
2 to a facility in contemplation of processing the material
3 through a physical separation facility. No fees shall be
4 collected from any State, county, municipal, or local
5 governmental agency. In connection with settling litigation
6 regarding the amount of the fee to be imposed, the Director may
7 enter into an agreement with the owner or operator of any
8 facility specifying that the fee to be imposed shall not exceed
9 \$26,000,000 in any calendar year. The fees assessed under this
10 Section are separate and distinct from any license fees imposed
11 under Section 11 of the Radiation Protection Act of 1990.

12 The fee shall be due on June 1 of each year or at such other
13 times in such installments as the Director may provide by rule.
14 To facilitate the expeditious removal of by-product material,
15 rules establishing payment dates or schedules may be adopted as
16 emergency rules under Section 5-45 of the Administrative
17 Procedure Act. The fee shall be collected and administered by
18 the Agency Department, and shall be deposited into the General
19 Revenue Fund.

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

24 (1) the costs of monitoring, inspecting, and otherwise
25 regulating the storage and disposal of by-product
26 material, wherever located;

1 (2) the costs of undertaking any maintenance,
2 decommissioning activities, cleanup, responses to
3 radiation emergencies, or remedial action that would
4 otherwise be required of the owner or operator by law or
5 under a license amendment or condition in connection with
6 by-product materials;

7 (3) the costs that would otherwise be required of the
8 owner or operator, by law or under a license amendment or
9 condition, incurred by the State arising from the
10 transportation of the by-product material from a storage or
11 unlicensed disposal location to a licensed permanent
12 disposal facility; and

13 (4) reimbursement to the owner or operator of any
14 facility used for the storage or disposal of by-product
15 material for costs incurred by the owner or operator in
16 connection with the decontamination or decommissioning of
17 the storage or disposal facility or other properties
18 contaminated with by-product material. However, the amount
19 of the reimbursements paid to the owner or operator of a
20 by-product material storage or disposal facility shall not
21 be reduced for any amounts recovered by the owner or
22 operator pursuant to Title X of the federal Energy Policy
23 Act of 1992 and shall not exceed the amount of money paid
24 by that owner or operator under subsection (a) plus the
25 interest attributable to amounts paid by that owner or
26 operator.

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

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

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

15 (d) (Blank).

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

17 (420 ILCS 42/25)

18 Sec. 25. Response plans.

19 (a) Within one year of the effective date of this Act, the
20 owner or operator of any licensed site where by-product
21 material is located on the effective date of this Act shall
22 file with the Agency ~~Department~~ a detailed plan describing all
23 of the activities necessary for implementation of a permanent
24 remedial action, including, but not limited to, disposal of
25 by-product material at a permanent disposal site, restoration

1 of the licensed site to unrestricted use, and decontamination
2 of all properties that have been identified as being
3 contaminated with by-product material produced at the licensed
4 site. If the licensed site is located in a municipality or
5 within 1.5 miles of the boundary of any municipality, the plan
6 shall also be filed with the governing body of that
7 municipality. If the licensed site is in an unincorporated area
8 of a county and situated more than 1.5 miles from the boundary
9 of the nearest municipality, the plan shall be filed with the
10 governing body of that county.

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

1 governing body of that county.

2 (c) The plans filed under subsection (a) or (b) shall
3 include a schedule for disposal of by-product material at a
4 facility that has a specific license authorizing disposal of
5 by-product material. The schedule shall be such that disposal
6 could be completed within 48 months or less of commencement of
7 disposal activities. The plans shall also describe permits,
8 approvals, and other authorizations that will need to be
9 obtained and the plans for obtaining those permits, approvals
10 and authorizations.

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

12 (420 ILCS 42/30)

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

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

18 (420 ILCS 42/32)

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

20 (a) 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 the use of groundwater on any

1 property that has been licensed for the milling of source
2 material and any property downgradient from the property that
3 has been licensed for the milling of source material where the
4 groundwater impacted by a licensed facility has constituents
5 above naturally-occurring levels and is in excess of the
6 groundwater standards enforceable by the Agency ~~Department~~.

7 (b) In connection with the decommissioning of a source
8 material milling facility or the termination of the facility's
9 license, the Agency ~~Department~~ shall have the authority to
10 adopt by rule, or impose by order or license amendment or
11 condition, restrictions on property that has been licensed for
12 the milling of source material where the soil has constituents
13 above naturally-occurring levels to limit or prohibit:

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

18 (2) the excavation of soil from a portion of the
19 property where elevated levels of the constituents are
20 present in the excavated soil, unless the excavated soil is
21 (i) disposed of in a facility licensed or permitted to
22 dispose of that soil or (ii) returned to the approximate
23 depth from which it was excavated and covered with an
24 equivalent cover.

25 (c) The authority granted to the Agency ~~Department~~ under
26 this Section is intended to secure the greatest protection of

1 the public health and safety practicable in the decommissioning
2 of a source material milling facility or the termination of the
3 facility's license and shall be in addition to the authority
4 granted under the Radiation Protection Act of 1990.

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

6 (420 ILCS 42/35)

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

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

19 (420 ILCS 42/40)

20 Sec. 40. Violations and penalties.

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

23 (b) Any person failing to pay the fees provided for in
24 Section 15 shall be subject to a civil penalty not to exceed 4

1 times the amount of the fees not paid.

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

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

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

21 (420 ILCS 56/10)

22 Sec. 10. Legislative purpose. It is the purpose of this Act
23 to provide for a program of effective regulation of laser
24 systems for the protection of human health, welfare, and

1 safety. The Agency ~~Department~~ shall therefore regulate laser
2 systems under this Act to ensure the safe use and operation of
3 those systems.

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

5 (420 ILCS 56/15)

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

8 (1) "Agency" ~~"Department"~~ means the Illinois Emergency
9 Management Agency ~~Illinois Department of Nuclear Safety~~.

10 (2) "Director" means the Director of the Emergency
11 Management Agency ~~Nuclear Safety~~.

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

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

17 (5) "Laser machine" means a device that is capable of
18 producing laser radiation when associated controlled
19 devices are operated.

20 (6) "Laser radiation" means an electromagnetic
21 radiation emitted from a laser system and includes all
22 reflected radiation, any secondary radiation, or other
23 forms of energy resulting from the primary laser beam.

24 (7) "Laser system" means a device, machine, equipment,
25 or other apparatus that applies a source of energy to a

1 gas, liquid, crystal, or other solid substances or
2 combination thereof in a manner that electromagnetic
3 radiations of a relatively uniform wave length are
4 amplified and emitted in a cohesive beam capable of
5 transmitting the energy developed in a manner that may be
6 harmful to living tissues, including but not limited to
7 electromagnetic waves in the range of visible, infrared, or
8 ultraviolet light. Such systems in schools, colleges,
9 occupational schools, and State colleges and other State
10 institutions are also included in the definition of "laser
11 systems".

12 (8) "Operator" is an individual, group of individuals,
13 partnership, firm, corporation, association, or other
14 entity conducting the business or activities carried on
15 within a laser installation.

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

17 (420 ILCS 56/20)

18 Sec. 20. Registration requirements. An operator of a laser
19 installation, unless otherwise exempted, shall register the
20 installation with the Agency ~~Department~~ before the
21 installation is placed in operation. The registration shall be
22 filed annually on a form prescribed by the Agency ~~Department~~.
23 If any change occurs in a laser installation, the change or
24 changes shall be registered with the Agency ~~Department~~ within
25 30 days. If registering a change in each source of laser

1 radiation or the type or strength of each source of radiation
2 is impractical, the Agency Department, upon request of the
3 operator, may approve blanket registration of the
4 installation. Laser installations registered with the Agency
5 ~~Department~~ on the effective date of this Act shall retain their
6 registration.

7 Registration of a laser installation shall not imply
8 approval of manufacture, storage, use, handling, operation, or
9 disposal of laser systems or laser radiation, but shall serve
10 merely as notice to the Agency Department of the location and
11 character of radiation sources in this State.

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

13 (420 ILCS 56/22)

14 Sec. 22. State regulation of federal entities. The Agency
15 ~~Department~~ is authorized to regulate laser installations
16 operated by federal entities (or their contractors) if the
17 federal entities agree to be regulated by the State or the
18 regulation is otherwise allowed under federal law. The Agency
19 ~~Department~~ may, by rule, establish fees to support the
20 regulation.

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

22 (420 ILCS 56/25)

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

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

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

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

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

16 (420 ILCS 56/30)

17 Sec. 30. Registration fee. The Agency ~~Department~~ may
18 establish by rule a registration fee for operators of laser
19 machines required to register under this Act. The Agency
20 ~~Director~~ may by rule exempt public institutions from the
21 registration fee requirement. Registration fees assessed shall
22 be due and payable within 60 days after the date of billing.
23 If, after 60 days, the registration fee is not paid, the Agency
24 ~~Department~~ may issue an order directing the operator of the
25 installation to cease use of the laser machines for which the

1 fee is outstanding or take other appropriate enforcement action
2 as provided in Section 36 of the Radiation Protection Act of
3 1990. An order issued by the Agency ~~Department~~ shall afford the
4 operator a right to a hearing before the Agency ~~Department~~. A
5 written request for a hearing must be served on the Agency
6 ~~Department~~ within 10 days of notice of the order. If the
7 operator fails to file a timely request for a hearing with the
8 Agency ~~Department~~, the operator shall be deemed to have waived
9 his or her right to a hearing. All moneys received by the
10 Agency ~~Department~~ under this Act shall be deposited into the
11 Radiation Protection Fund and are not refundable. Pursuant to
12 appropriation, moneys deposited into the Fund may be used by
13 the Agency ~~Department~~ to administer and enforce this Act.

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

15 (420 ILCS 56/35)

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

1 systems and of the medical and biological effects of laser
2 systems.

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

4 (420 ILCS 56/40)

5 Sec. 40. Reports of accidental injuries. The operator of a
6 laser system shall promptly report to the Agency ~~Department~~ an
7 accidental injury to an individual in the course of use,
8 handling, operation, manufacture, or discharge of a laser
9 system.

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

11 (420 ILCS 56/45)

12 Sec. 45. Agency ~~Department~~ authority in case of immediate
13 threat to health. Notwithstanding any other provision of this
14 Act, whenever the Agency ~~Department~~ finds that a condition
15 exists that constitutes an immediate threat to the public
16 health or safety, the Agency ~~Department~~ is authorized to do all
17 of the following:

18 (a) Enter onto public or private property and take
19 possession of or require the immediate cessation of use of
20 laser systems that pose an immediate threat to health or
21 safety.

22 (b) Enter an order for abatement of a violation of a
23 provision of this Act or a rule adopted or an order issued
24 under this Act that requires immediate action to protect

1 the public health or safety. The order shall recite the
2 existence of the immediate threat and the findings of the
3 Agency ~~Department~~ pertaining to the threat. The order shall
4 direct a response that the Agency ~~Department~~ determines
5 appropriate under the circumstances, including but not
6 limited to all of the following:

7 (1) Discontinuance of the violation.

8 (2) Rendering the laser system inoperable.

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

11 Such order shall be effective immediately but shall
12 include notice of the time and place of a public hearing
13 before the Agency ~~Department~~ to be held within 30 days of
14 the date of the order to assure the justification of the
15 order. On the basis of the public hearing, the Agency
16 ~~Department~~ shall continue its order in effect, revoke it,
17 or modify it. Any party affected by an order of the Agency
18 ~~Department~~ shall have the right to waive the public hearing
19 proceedings.

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

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

24 (420 ILCS 56/50)

25 Sec. 50. Public nuisance; injunctive relief. The

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

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

15 (420 ILCS 56/60)

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

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

1 (420 ILCS 56/65)

2 Sec. 65. Administrative Review Law. All final
3 administrative decisions of the Agency ~~Department~~ under this
4 Act shall be subject to judicial review under the provisions of
5 the Administrative Review Law and its rules. The term
6 "administrative decision" is defined as in Section 3-101 of the
7 Code of Civil Procedure.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

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