

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 Sections 5-15 and 5-20 as follows:

6 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

7 Sec. 5-15. Departments of State government. The
8 Departments of State government are created as follows:

9 The Department on Aging.

10 The Department of Agriculture.

11 The Department of Central Management Services.

12 The Department of Children and Family Services.

13 The Department of Commerce and Economic Opportunity.

14 The Department of Corrections.

15 The Department of Employment Security.

16 The Illinois Emergency Management Agency.

17 The Department of Financial Institutions.

18 The Department of Healthcare and Family Services.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Illinois Power Agency.

22 The Department of Insurance.

23 The Department of Juvenile Justice.

1 The Department of Labor.
2 The Department of the Lottery.
3 The Department of Natural Resources.
4 The Department of Professional Regulation.
5 The Department of Public Health.
6 The Department of Revenue.
7 The Department of State Police.
8 The Department of Transportation.
9 The Department of Veterans' Affairs.

10 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
11 95-481, eff. 8-28-07.)

12 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

13 Sec. 5-20. Heads of departments. Each department shall have
14 an officer as its head who shall be known as director or
15 secretary and who shall, subject to the provisions of the Civil
16 Administrative Code of Illinois, execute the powers and
17 discharge the duties vested by law in his or her respective
18 department.

19 The following officers are hereby created:

20 Director of Aging, for the Department on Aging.

21 Director of Agriculture, for the Department of
22 Agriculture.

23 Director of Central Management Services, for the
24 Department of Central Management Services.

25 Director of Children and Family Services, for the

1 Department of Children and Family Services.

2 Director of Commerce and Economic Opportunity, for the
3 Department of Commerce and Economic Opportunity.

4 Director of Corrections, for the Department of
5 Corrections.

6 Director of the Illinois Emergency Management Agency, for
7 the Illinois Emergency Management Agency.

8 Director of Employment Security, for the Department of
9 Employment Security.

10 Director of Financial Institutions, for the Department of
11 Financial Institutions.

12 Director of Healthcare and Family Services, for the
13 Department of Healthcare and Family Services.

14 Director of Human Rights, for the Department of Human
15 Rights.

16 Secretary of Human Services, for the Department of Human
17 Services.

18 Director of the Illinois Power Agency, for the Illinois
19 Power Agency.

20 Director of Insurance, for the Department of Insurance.

21 Director of Juvenile Justice, for the Department of
22 Juvenile Justice.

23 Director of Labor, for the Department of Labor.

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

25 Director of Natural Resources, for the Department of
26 Natural Resources.

1 Director of Professional Regulation, for the Department of
2 Professional Regulation.

3 Director of Public Health, for the Department of Public
4 Health.

5 Director of Revenue, for the Department of Revenue.

6 Director of State Police, for the Department of State
7 Police.

8 Secretary of Transportation, for the Department of
9 Transportation.

10 Director of Veterans' Affairs, for the Department of
11 Veterans' Affairs.

12 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
13 95-481, eff. 8-28-07.)

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

16 (20 ILCS 3310/25)

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

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

1 (2) Rights, powers, and duties relating to nuclear
2 steam-generating facilities vested in the Department of
3 Nuclear Safety by the Boiler and Pressure Vessel Safety Act
4 prior to the abolishment of the Department of Nuclear
5 Safety, which include but are not limited to the
6 formulation of definitions, rules, and regulations for the
7 safe and proper construction, installation, repair, use,
8 and operation of nuclear steam-generating facilities, the
9 adoption of rules for already installed nuclear
10 steam-generating facilities, the adoption of rules for
11 accidents in nuclear steam-generating facilities, the
12 examination for or suspension of inspectors' licenses of
13 the facilities, and the hearing of appeals from decisions
14 relating to the facilities.

15 (3) Rights, powers, and duties relating to nuclear
16 steam-generating facilities, vested in the State Fire
17 Marshal, the Chief Inspector, or the Department of Nuclear
18 Safety prior to its abolishment, by the Boiler and Pressure
19 Vessel Safety Act, which include but are not limited to the
20 employment of inspectors of nuclear steam-generating
21 facilities, issuance or suspension of their commissions,
22 prosecution of the Act or rules promulgated thereunder for
23 violations by nuclear steam-generating facilities,
24 maintenance of inspection records of all the facilities,
25 publication of rules relating to the facilities, having
26 free access to the facilities, issuance of inspection

1 certificates of the facilities, and the furnishing of bonds
2 conditioned upon the faithful performance of their duties.
3 The Director of the Illinois Emergency Management Agency
4 may designate a Chief Inspector, or other inspectors, as he
5 or she deems necessary to perform the functions transferred
6 by this Section.

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

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

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

18 (45 ILCS 141/25)

19 Sec. 25. Enforcement.

20 (a) The Illinois Emergency Management Agency (Agency)
21 ~~Department~~ shall adopt regulations to administer and enforce
22 the provisions of this Act. The regulations shall be adopted
23 with the consultation and cooperation of the Commission.

24 Regulations adopted by the Agency ~~Department~~ under this Act

1 shall prohibit the shipment into or acceptance of waste in
2 Illinois if the shipment or acceptance would result in a
3 violation of any provision of the Compact or this Act.

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

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

24 (d) The regulations adopted by the Agency ~~Department~~ may
25 provide for the granting of exemptions, but only upon a showing
26 by the applicant that the granting of an exemption would be

1 consistent with the Compact.

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

3 (45 ILCS 141/30)

4 Sec. 30. Penalties.

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

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

13 (c) Any person who intentionally violates a provision of
14 subsection (a) (1), (a) (2), (a) (3), (a) (4) or (a) (6) of Section
15 20 of this Act shall be guilty of a Class 4 felony.

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

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

23 (45 ILCS 141/31)

24 Sec. 31. The Agency Department may accept donations of

1 money, equipment, supplies, materials, and services from any
2 person for accomplishing the purposes of this Act. Any donation
3 of money shall be deposited in the Low-Level Radioactive Waste
4 Facility Development and Operation Fund and shall be expended
5 by the Agency ~~Department~~ only in accordance with the purposes
6 of the donation.

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

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

10 (415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

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

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

18 (415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

19 Sec. 25b. Any person, corporation or public authority
20 intending to construct a nuclear steam-generating facility or a
21 nuclear fuel reprocessing plant shall file with the Illinois
22 Emergency Management Agency ~~Department of Nuclear Safety~~ an
23 environmental feasibility report which incorporates the data

1 provided in the preliminary safety analysis required to be
2 filed with the United States Nuclear Regulatory Commission. The
3 Board may by rule prescribe the form of such report. The Board
4 shall have the power to adopt standards to protect the health,
5 safety and welfare of the citizens of Illinois from the hazards
6 of radiation to the extent that such powers are not preempted
7 under the federal constitution.

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

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

11 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

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

1 of nuclear facilities, unless dual regulation is allowed by
2 federal law and policies of the Nuclear Regulatory Commission.
3 In implementing its responsibilities under this Act, the Agency
4 ~~Illinois Department of Nuclear Safety~~ shall not take any action
5 which interferes with the safe operation of a nuclear facility.
6 (Source: P.A. 86-901.)

7 (420 ILCS 10/4) (from Ch. 111 1/2, par. 4354)

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

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

13 (420 ILCS 10/5) (from Ch. 111 1/2, par. 4355)

14 Sec. 5. Program for Illinois nuclear power plant
15 inspectors.

16 (a) Consistent with federal law and policy statements of
17 and cooperative agreements with the Nuclear Regulatory
18 Commission with respect to State participation in health and
19 safety regulation of nuclear facilities, and in recognition of
20 the role provided for the states by such laws, policy
21 statements and cooperative agreements, the Agency ~~Department~~
22 shall develop and implement a program for Illinois resident
23 inspectors that, when fully implemented, shall provide for one
24 full-time Agency ~~Departmental~~ Illinois resident inspector at

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

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

1 reasonably required by the inspectors while they are on the
2 premises of the nuclear power plants.

3 (c) The Illinois resident inspectors and inspectors
4 assigned under subsection (b) shall each operate in accordance
5 with the security plan for the nuclear power plant to which
6 they are assigned, but in no event shall they be required to
7 meet any requirements imposed by a nuclear power plant owner
8 that are not imposed on resident inspectors and inspectors of
9 the Nuclear Regulatory Commission. The Agency ~~Department's~~
10 programs and activities under this Section shall not be
11 inconsistent with federal law.

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

13 (420 ILCS 10/7) (from Ch. 111 1/2, par. 4357)

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

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

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

21 (420 ILCS 15/2) (from Ch. 111 1/2, par. 230.22)

22 Sec. 2. No person may dispose of, store, or accept any
23 spent nuclear fuel which was used in any power generating

1 facility located outside this State, or transport into this
2 State for disposal or storage any spent nuclear fuel which was
3 used in any power generating facility located outside this
4 State, unless the state of origin of such spent nuclear fuel
5 has a facility, which is not part of a power generating
6 facility, for the disposal or storage of spent nuclear fuel
7 substantially like that of this State and has entered into a
8 reciprocity agreement with this State. The determination as to
9 whether the state of origin has a disposal or storage facility
10 for spent nuclear fuel substantially like that of this State is
11 to be made by the Director of the Illinois Emergency Management
12 Agency ~~Department of Nuclear Safety~~ and all reciprocity
13 agreements must be approved by a majority of the members of
14 both Houses of the General Assembly and approved and signed by
15 the Governor.

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

17 Section 35. The Illinois Low-Level Radioactive Waste
18 Management Act is amended by changing Sections 2, 3, 4, 5, 6,
19 7, 8, 9, 10, 10.2, 10.3, 11, 13, 14, 15, 17, and 21.1 as
20 follows:

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

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

23 (1) that low-level radioactive wastes are produced in
24 this State with even greater volumes to be produced in the

1 future;

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

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

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

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

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

2 Sec. 3. Definitions.

3 "Agency" means the Illinois Emergency Management Agency.

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

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

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

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

13 ~~(e)~~ "Director" means the Director of the Illinois Emergency
14 Management Agency ~~Department of Nuclear Safety.~~

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

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

24 ~~(h)~~ "Generator" means any person who produces or possesses
25 low-level radioactive waste in the course of or incident to

1 manufacturing, power generation, processing, medical diagnosis
2 and treatment, research, education or other activity.

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

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

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

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

25 ~~(k)~~ "Low-level radioactive waste" or "waste" means
26 radioactive waste not classified as high-level radioactive

1 waste, transuranic waste, spent nuclear fuel or byproduct
2 material as defined in Section 11e(2) of the Atomic Energy Act
3 of 1954 (42 U.S.C. 2014).

4 ~~(l)~~ "Mixed waste" means waste that is both "hazardous
5 waste" and "low-level radioactive waste" as defined in this
6 Act.

7 ~~(m)~~ "Person" means an individual, corporation, business
8 enterprise or other legal entity either public or private and
9 any legal successor, representative, agent or agency of that
10 individual, corporation, business enterprise, or legal entity.

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

18 ~~(o)~~ "Regional disposal facility" or "disposal facility"
19 means the facility established by the State of Illinois under
20 this Act for disposal away from the point of generation of
21 waste generated in the region of the Compact.

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

26 ~~(q)~~ "Remedial action" means those actions taken in the

1 event of a release or threatened release of low-level
2 radioactive waste into the environment, to prevent or minimize
3 the release of the waste so that it does not migrate to cause
4 substantial danger to present or future public health or
5 welfare or the environment. The term includes, but is not
6 limited to, actions at the location of the release such as
7 storage, confinement, perimeter protection using dikes,
8 trenches or ditches, clay cover, neutralization, cleanup of
9 released low-level radioactive wastes, recycling or reuse,
10 dredging or excavations, repair or replacement of leaking
11 containers, collection of leachate and runoff, onsite
12 treatment or incineration, provision of alternative water
13 supplies and any monitoring reasonably required to assure that
14 these actions protect human health and the environment.

15 ~~(g-5)~~ "Scientific Surveys" means, collectively, the State
16 Geological Survey Division and the State Water Survey Division
17 of the Department of Natural Resources.

18 ~~(r)~~ "Shallow land burial" means a land disposal facility in
19 which radioactive waste is disposed of in or within the upper
20 30 meters of the earth's surface. However, this definition
21 shall not include an enclosed, engineered, structurally
22 re-enforced and solidified bunker that extends below the
23 earth's surface.

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

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

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

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

10 (420 ILCS 20/4) (from Ch. 111 1/2, par. 241-4)

11 Sec. 4. Generator and broker registration.

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

23 (b) All registered generators and brokers of any amount of
24 low-level radioactive waste in Illinois shall file an annual
25 report with the Agency ~~Department~~. The annual report for

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

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

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

16 (420 ILCS 20/5) (from Ch. 111 1/2, par. 241-5)

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

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

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

3 (2) Requirements and standards relating to the
4 financial integrity of the firm;

5 (3) Requirements and standards relating to the
6 experience and performance history of the firm in the
7 design, development, construction and operation of
8 low-level radioactive waste disposal facilities; and

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

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

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

1 State during the term of the operating agreement; (iii)
2 provisions authorizing the operator to impose fees upon all
3 persons using the facility as provided in this Act and
4 providing for the Agency ~~Department~~ to audit the charges of the
5 operator under the operating agreement; and (iv) provisions
6 relating to the obligations of the operator and the Agency
7 ~~Department~~ in the event of any closure of the facility or any
8 termination of the operating agreement.

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

10 (420 ILCS 20/6) (from Ch. 111 1/2, par. 241-6)

11 Sec. 6. Requirements for disposal facility.

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

20 (1) requirements and performance standards for the
21 design, construction, operation, maintenance and
22 monitoring of the low-level radioactive waste disposal
23 facility;

24 (2) requirements and standards for the keeping of
25 records and the reporting and retaining of data collected

1 by the contractor selected to operate the disposal
2 facility;

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

6 (4) requirements and standards for establishing the
7 financial responsibility of the contractor selected to
8 operate the disposal facility;

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

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

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

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

26 (d) The Agency ~~Department~~ shall hold at least one public

1 hearing before adopting rules under this Section.

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

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

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

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

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

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

24 (2) the use of treatment technologies for recycling,
25 compacting, solidifying or otherwise treating low-level

1 radioactive wastes prior to disposal; and

2 (3) the use of technologies for the treatment of such
3 wastes to minimize the radioactive characteristics of the waste
4 disposed of or to reduce the tendency of the waste to migrate
5 in geologic and hydrologic formations.

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

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

9 (420 ILCS 20/8) (from Ch. 111 1/2, par. 241-8)

10 Sec. 8. Requirements for waste facility licensing.

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

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

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

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

24 (3) financial and personnel information necessary to
25 assure the integrity and qualifications of the contractor

1 selected to operate the facility;

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

5 (5) a contingency plan to establish the procedures to
6 be followed in the event of unanticipated radioactive
7 releases.

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

21 (d) Upon a determination by the Director of substantial
22 noncompliance with any license granted under this Act or upon a
23 determination that an emergency exists posing a significant
24 hazard to public health and the environment, the Director may
25 revoke a license issued under this Act. Before revoking any
26 license, the Director shall serve notice upon the alleged

1 violator setting forth the Sections of this Act, or the rules
2 adopted under this Act, that are alleged to have been violated.
3 The Director shall hold at least one public hearing not later
4 than 30 days following the notice.

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

9 (f) (Blank).

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

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

18 (2) (A) if the facility is located more than 1 1/2
19 miles from the boundary of a municipality and the county in
20 which the facility is located passes an ordinance ordering
21 the license revoked, or

22 (B) if the facility is located within a municipality or
23 within 1 1/2 miles of the boundary of a municipality and
24 that municipality passes an ordinance ordering the license
25 revoked.

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

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

2 Sec. 9. Requirements for waste transporters.

3 (a) No person shall transport any low-level radioactive
4 waste to a storage, treatment or disposal facility in Illinois
5 licensed under Section 8 without a permit granted by the Agency
6 ~~Department~~.

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

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

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

20 (2) The procedures and methods used to monitor and
21 inspect the shipments to ensure that leakage or spills do
22 not occur;

23 (3) The timetables according to which the wastes are to
24 be shipped.

25 (4) The qualifications and training of personnel

1 handling low-level radioactive waste; and

2 (5) The use of interim storage and transshipment
3 facilities.

4 (d) The Director may issue a permit to any applicant who
5 has met and whom he believes will comply with the requirements
6 of the Illinois Hazardous Materials Transportation Act and any
7 other applicable State or federal laws or regulations. In the
8 event that an applicant or permittee proposes modifications of
9 a permit, or in the event that the Director determines that
10 modifications are necessary to conform with the requirements of
11 the Act, the Director may issue any permit modifications
12 necessary to protect human health and the environment and may
13 specify the time allowed to complete the modifications.

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

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

25 (420 ILCS 20/10) (from Ch. 111 1/2, par. 241-10)

1 Sec. 10. Disposal facility contractor selection. Upon
2 adopting the regulations establishing requirements for waste
3 disposal facilities provided for in Section 6, the Agency
4 ~~Department~~ shall solicit proposals for the selection of one or
5 more contractors to site, design, develop, construct, operate,
6 close, provide post-closure care for, and decommission the
7 disposal facility. Not later than 6 months after the
8 solicitation of proposals, the Director shall select the
9 applicant who has submitted the proposal that best conforms to
10 the requirements of this Act and to the rules adopted under
11 this Act.

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

13 (420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

14 Sec. 10.2. Creation of Low-Level Radioactive Waste Task
15 Group; adoption of criteria; selection of site for
16 characterization.

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

23 (1) be confirmed by the Senate; and

24 (2) receive compensation of \$300 per day for their
25 services on the Task Group unless they are officers or

1 employees of the State, in which case they shall receive no
2 additional compensation.

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

1 Administrative Procedure Act. Any action required to be taken
2 by the Task Group under this Act shall be taken by a majority
3 vote of its members. An identical vote by 5 members of the Task
4 Group shall constitute a majority vote.

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

18 The chairman of the Task Group shall publish a notice of
19 availability of the proposed criteria in the State newspaper,
20 make copies of the proposed criteria available without charge
21 to the public, and hold public hearings to receive comments on
22 the proposed criteria. Written comments on the proposed
23 criteria may be submitted to the chairman of the Task Group
24 within a time period to be determined by the Task Group. Upon
25 completion of the review of timely submitted comments on the
26 proposed criteria, the Task Group shall adopt criteria for

1 selection of a site for a regional disposal facility. Adoption
2 of the criteria is not subject to the Illinois Administrative
3 Procedure Act. The chairman of the Task Group shall provide
4 copies of the criteria to the Governor, the President and
5 Minority Leader of the Senate, the Speaker and Minority Leader
6 of the House, and all county boards in the State of Illinois
7 and shall make copies of the criteria available without charge
8 to the public.

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

1 evaluation process, the Director of the Department of Natural
2 Resources shall be replaced on the Task Group by a member
3 appointed by the Governor and confirmed by the Senate. The
4 member appointed to replace the Director of the Department of
5 Natural Resources shall have expertise that the Governor
6 determines to be appropriate.

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

16 (1) the federal, state, and regional programs for the
17 siting, development, and operation of disposal facilities
18 for low-level radioactive wastes and the nature, extent,
19 and likelihood of any legislative or administrative
20 changes to those programs;

21 (2) (blank);

22 (3) the current and most reliable projections
23 regarding the costs of the siting, design, development,
24 construction, operation, closure, decommissioning, and
25 post-closure care of a regional disposal facility;

26 (4) the current and most reliable estimates of the

1 total volume of low-level radioactive waste that will be
2 disposed at a regional disposal facility in Illinois and
3 the projected annual volume amounts;

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

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

23 (c-5) Following submittal of the report pursuant to
24 subsection (c-3) of this Section, the Agency ~~Department~~ may
25 adopt rules establishing a site selection process for the
26 regional disposal facility. In developing rules, the Agency

1 ~~Department~~ shall, at a minimum, consider the following:

2 (1) A comprehensive and open process under which the
3 land for sites recommended and proposed by the contractor
4 under subsection (e) of this Section shall be volunteered
5 lands as provided in this Section. Land may be volunteered
6 for the regional disposal facility jointly by landowners
7 and (i) the municipality in which the land is located, (ii)
8 every municipality with 1 1/2 miles of the land if the land
9 is not within a municipality, or (iii) the county or
10 counties in which the land is located if the land is not
11 within a municipality and not within 1 1/2 miles of a
12 municipality.

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

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

23 The site selection process established under this
24 subsection shall require the contractor selected by the Agency
25 ~~Department~~ pursuant to Sections 5 and 10 of this Act to propose
26 one site to the Task Group for approval under subsections (d)

1 through (i) of this Section.

2 No proposed site shall be selected as the site for the
3 regional disposal facility unless it satisfies the site
4 selection criteria established by the Task Group under
5 subsection (b) of this Section.

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

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

1 site".

2 (f) A report completed under subsection (e) of this Section
3 that recommends a proposed site shall also be submitted to the
4 chairman of the Task Group. Within 45 days following receipt of
5 a report, the chairman of the Task Group shall publish in
6 newspapers of general circulation in the county or counties in
7 which a proposed site is located a notice of the availability
8 of the report and a notice of a public meeting. The chairman of
9 the Task Group shall also, within the 45-day period, provide
10 copies of the report and the notice to the Governor, the
11 President and Minority Leader of the Senate, the Speaker and
12 Minority Leader of the House, members of the General Assembly
13 from the legislative district or districts in which a proposed
14 site is located, the county board or boards of the county or
15 counties containing a proposed site, and each city, village,
16 and incorporated town within a 5 mile radius of a proposed
17 site. The chairman of the Task Group shall make copies of the
18 report available without charge to the public.

19 (g) The chairman of the Task Group shall convene at least
20 one public meeting on each proposed site. At the public meeting
21 or meetings, the contractor selected by the Agency ~~Department~~
22 shall present the results of the evaluation of the proposed
23 site. The Task Group shall receive such other written and oral
24 information about the proposed site that may be submitted at
25 the meeting. Following the meeting, the Task Group shall decide
26 whether the proposed site satisfies the criteria adopted under

1 subsection (b) of this Section. If the Task Group determines
2 that the proposed site does not satisfy the criteria, the
3 Agency ~~Department~~ may require a contractor to submit a further
4 report pursuant to subsection (e) of this Section proposing
5 another site from the locations identified under the site
6 selection process established pursuant to subsection (c-5) of
7 this Section as likely to satisfy the criteria. Following
8 notice and distribution of the report as required by subsection
9 (f) of this Section, the new proposed site shall be the subject
10 of a public meeting under this subsection. The contractor
11 selected by the Agency ~~Department~~ shall propose additional
12 sites, and the Task Group shall conduct additional public
13 meetings, until the Task Group has approved a proposed site
14 recommended by a contractor as satisfying the criteria adopted
15 under subsection (b) of this Section. In the event that the
16 Task Group does not approve any of the proposed sites
17 recommended by the contractor under this subsection as
18 satisfying the criteria adopted under subsection (b) of this
19 Section, the Task Group shall immediately suspend all work and
20 the Agency ~~Department~~ shall prepare a study containing, at a
21 minimum, the Agency's ~~Department's~~ recommendations regarding
22 the viability of the site selection process established
23 pursuant to this Act, based on the factors and circumstances
24 specified in items (1) through (6) of subsection (c-3) of
25 Section 10.2. The Agency ~~Department~~ shall provide copies of the
26 study to the Governor, the President and Minority Leader of the

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

5 (h) (Blank).

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

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

14 (420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

15 Sec. 10.3. Site characterization; license application;
16 adjudicatory hearing; exclusivity.

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

24 (b) If the contractor determines, following or at any time
25 during characterization of the site proposed under Section 10.2

1 of this Act, that the proposed site is not appropriate for the
2 development of a regional disposal facility, the Agency
3 ~~Department~~ may require the contractor to propose an additional
4 site to the Task Group from the locations identified under the
5 site selection process established under subsection (c-5) of
6 Section 10.2 that is likely to satisfy the criteria adopted
7 under subsection (b) of Section 10.2. The new proposed site
8 shall be the subject of public notice, distribution, and public
9 meeting conducted by the Task Group under the procedures set
10 forth in subsections (f) and (g) of Section 10.2 of this Act.
11 The contractor selected by the Agency ~~Department~~ shall propose
12 additional sites and the Task Group shall conduct additional
13 public meetings until (i) the Task Group has approved a
14 proposed site recommended by a contractor as satisfying the
15 criteria adopted under subsection (b) of Section 10.2, and (ii)
16 the contractor has determined, following characterization,
17 that the site is appropriate for the development of the
18 regional disposal facility. Upon the selection of a proposed
19 site under this subsection, (i) the contractor shall submit to
20 the Agency ~~Department~~ an application for a license to construct
21 and operate a regional disposal facility at the selected site
22 and (ii) the Task Group shall be abolished and its records
23 transferred to the Agency ~~Department~~.

24 (c) The Agency ~~Department~~ shall review the license
25 application filed pursuant to Section 8 and subsections (a) and
26 (b) of this Section in accordance with its rules and the

1 agreement between the State of Illinois and the Nuclear
2 Regulatory Commission under Section 274 of the Atomic Energy
3 Act. If the Agency ~~Department~~ determines that the license
4 should be issued, the Agency ~~Department~~ shall publish in the
5 State newspaper a notice of intent to issue the license.
6 Objections to issuance of the license may be filed within 90
7 days of publication of the notice. Upon receipt of objections,
8 the Director shall appoint a hearing officer who shall conduct
9 an adjudicatory hearing on the objections. The burden of proof
10 at the hearing shall be on the person filing the objections.
11 Upon completion of the hearing, the hearing officer shall
12 recommend to the Director whether the license should be issued.
13 The decision of the Director to issue or deny the license may
14 be appealed under Section 18.

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

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

24 (420 ILCS 20/11) (from Ch. 111 1/2, par. 241-11)

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

1 (a) (Blank).

2 (b) (Blank).

3 (c) At any time necessary, as determined by the Director,
4 to ensure proper planning and policy responses relating to the
5 continued availability of facilities for the storage and
6 disposal of low-level radioactive wastes, the Agency
7 ~~Department~~ shall deliver to the Governor, the President and
8 Minority Leader of the Senate, and the Speaker and Minority
9 Leader of the House a report that shall include, at a minimum,
10 an analysis of the impacts of restrictions on disposal of
11 low-level radioactive waste at commercial disposal facilities
12 outside the State of Illinois and the Agency's ~~Department's~~
13 analysis of, and recommendations regarding, the feasibility of
14 a centralized interim storage facility for low-level
15 radioactive waste generated within the region of the Compact
16 and the nature and extent, if any, of the generator's or any
17 other entity's responsibility for or title to the waste to be
18 stored at a centralized interim storage facility after the
19 waste has been delivered to that facility.

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

21 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

22 Sec. 13. Waste fees.

23 (a) The Agency ~~Department~~ shall collect a fee from each
24 generator of low-level radioactive wastes in this State. Except
25 as provided in subsections (b), (c), and (d), the amount of the

1 fee shall be \$50.00 or the following amount, whichever is
2 greater:

3 (1) \$1 per cubic foot of waste shipped for storage,
4 treatment or disposal if storage of the waste for shipment
5 occurred prior to September 7, 1984;

6 (2) \$2 per cubic foot of waste stored for shipment if
7 storage of the waste occurs on or after September 7, 1984,
8 but prior to October 1, 1985;

9 (3) \$3 per cubic foot of waste stored for shipment if
10 storage of the waste occurs on or after October 1, 1985;

11 (4) \$2 per cubic foot of waste shipped for storage,
12 treatment or disposal if storage of the waste for shipment
13 occurs on or after September 7, 1984 but prior to October
14 1, 1985, provided that no fee has been collected previously
15 for storage of the waste;

16 (5) \$3 per cubic foot of waste shipped for storage,
17 treatment or disposal if storage of the waste for shipment
18 occurs on or after October 1, 1985, provided that no fees
19 have been collected previously for storage of the waste.

20 Such fees shall be collected annually or as determined by
21 the Agency ~~Department~~ and shall be deposited in the low-level
22 radioactive waste funds as provided in Section 14 of this Act.
23 Notwithstanding any other provision of this Act, no fee under
24 this Section shall be collected from a generator for waste
25 generated incident to manufacturing before December 31, 1980,
26 and shipped for disposal outside of this State before December

1 31, 1992, as part of a site reclamation leading to license
2 termination.

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

20 The owner of any nuclear power reactor that has an
21 operating license issued by the Nuclear Regulatory Commission
22 for any portion of State fiscal year 1998 shall continue to pay
23 an annual fee of \$90,000 for the treatment, storage, and
24 disposal of low-level radioactive waste through State fiscal
25 year 2002. The fee shall be due and payable on July 1 of each
26 fiscal year. The fee due on July 1, 1998 shall be payable on

1 that date, or within 10 days after the effective date of this
2 amendatory Act of 1998, whichever is later. If the balance in
3 the Low-Level Radioactive Waste Facility Development and
4 Operation Fund falls below \$500,000, as of the end of any
5 fiscal year after fiscal year 2002, the Agency ~~Department~~ is
6 authorized to assess by rule, after notice and a hearing, an
7 additional annual fee to be paid by the owners of nuclear power
8 reactors for which operating licenses have been issued by the
9 Nuclear Regulatory Commission, except that no additional
10 annual fee shall be assessed because of the fund balance at the
11 end of fiscal year 2005 or the end of fiscal year 2006. The
12 additional annual fee shall be payable on the date or dates
13 specified by rule and shall not exceed \$30,000 per operating
14 reactor per year.

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

24 The fee shall be due and payable as follows: in fiscal year
25 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
26 shall be paid on each of January 1, 1988 and April 1, 1988; in

1 fiscal year 1989, \$102,000 shall be paid on each of July 1,
2 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
3 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
4 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
5 the operating license is issued during one of the 3 fiscal
6 years, the owner shall be subject to those payment dates, and
7 their corresponding amounts, on which the owner possesses an
8 operating license and, on June 30 of the fiscal year of
9 issuance of the license, whatever amount of the prorated fee
10 remains outstanding.

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

17 (d) In addition to the fees imposed in subsections (b) and
18 (c), the owners of nuclear power reactors in this State for
19 which operating licenses have been issued by the Nuclear
20 Regulatory Commission shall pay the following fees for each
21 such nuclear power reactor: for State fiscal year 1989,
22 \$325,000 payable on October 1, 1988, \$162,500 payable on
23 January 1, 1989, and \$162,500 payable on April 1, 1989; for
24 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
25 payable on October 1, \$300,000 payable on January 1 and
26 \$300,000 payable on April 1; for State fiscal year 1991, either

1 (1) \$150,000 payable on July 1, \$650,000 payable on September
2 1, \$675,000 payable on January 1, and \$275,000 payable on April
3 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
4 month from August through December, \$225,000 on the first day
5 of each month from January through March and \$92,000 on the
6 first day of each month from April through June; for State
7 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
8 on September 1, \$300,000 payable on October 1, \$150,000 payable
9 on January 1, and \$100,000 payable on April 1; for State fiscal
10 year 1993, \$100,000 payable on July 1, \$230,000 payable on
11 August 1 or within 10 days after July 31, 1992, whichever is
12 later, and \$355,000 payable on October 1; for State fiscal year
13 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
14 and \$75,000 payable on April 1; for State fiscal year 1995,
15 \$100,000 payable on July 1, \$75,000 payable on October 1, and
16 \$75,000 payable on April 1, for State fiscal year 1996,
17 \$100,000 payable on July 1, \$75,000 payable on October 1, and
18 \$75,000 payable on April 1. The owner of any nuclear power
19 reactor that has an operating license issued by the Nuclear
20 Regulatory Commission for any portion of State fiscal year 1998
21 shall pay an annual fee of \$30,000 through State fiscal year
22 2003. For State fiscal year 2004 and subsequent fiscal years,
23 the owner of any nuclear power reactor that has an operating
24 license issued by the Nuclear Regulatory Commission shall pay
25 an annual fee of \$30,000 per reactor, provided that the fee
26 shall not apply to a nuclear power reactor with regard to which

1 the owner notified the Nuclear Regulatory Commission during
2 State fiscal year 1998 that the nuclear power reactor
3 permanently ceased operations. The fee shall be due and payable
4 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
5 be payable on that date, or within 10 days after the effective
6 date of this amendatory Act of 1998, whichever is later. The
7 fee due on July 1, 1997 shall be payable on that date or within
8 10 days after the effective date of this amendatory Act of
9 1997, whichever is later. If the payments under this subsection
10 for fiscal year 1993 due on January 1, 1993, or on April 1,
11 1993, or both, were due before the effective date of this
12 amendatory Act of the 87th General Assembly, then those
13 payments are waived and need not be made.

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

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

26 (e) The Agency ~~Department~~ shall promulgate rules and

1 regulations establishing standards for the collection of the
2 fees authorized by this Section. The regulations shall include,
3 but need not be limited to:

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

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

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

11 (f) Any operating agreement entered into under subsection
12 (b) of Section 5 of this Act between the Agency Department and
13 any disposal facility contractor shall, subject to the
14 provisions of this Act, authorize the contractor to impose upon
15 and collect from persons using the disposal facility fees
16 designed and set at levels reasonably calculated to produce
17 sufficient revenues (1) to pay all costs and expenses properly
18 incurred or accrued in connection with, and properly allocated
19 to, performance of the contractor's obligations under the
20 operating agreement, and (2) to provide reasonable and
21 appropriate compensation or profit to the contractor under the
22 operating agreement. For purposes of this subsection (f), the
23 term "costs and expenses" may include, without limitation, (i)
24 direct and indirect costs and expenses for labor, services,
25 equipment, materials, insurance and other risk management
26 costs, interest and other financing charges, and taxes or fees

1 in lieu of taxes; (ii) payments to or required by the United
2 States, the State of Illinois or any agency or department
3 thereof, the Central Midwest Interstate Low-Level Radioactive
4 Waste Compact, and subject to the provisions of this Act, any
5 unit of local government; (iii) amortization of capitalized
6 costs with respect to the disposal facility and its
7 development, including any capitalized reserves; and (iv)
8 payments with respect to reserves, accounts, escrows or trust
9 funds required by law or otherwise provided for under the
10 operating agreement.

11 (g) (Blank).

12 (h) (Blank).

13 (i) (Blank).

14 (j) (Blank).

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

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

26 (l) The Agency Department shall have the power, in the

1 event that acceptance of waste for disposal at the regional
2 disposal facility is suspended, delayed or interrupted, to
3 impose emergency fees on the generators of low-level
4 radioactive waste. Generators shall pay emergency fees within
5 30 days of receipt of notice of the emergency fees. The
6 Department shall deposit all of the receipts of any fees
7 collected under this subsection into the Low-Level Radioactive
8 Waste Facility Development and Operation Fund created under
9 subsection (b) of Section 14. Emergency fees may be used to
10 mitigate the impacts of the suspension or interruption of
11 acceptance of waste for disposal. The requirements for
12 rulemaking in the Illinois Administrative Procedure Act shall
13 not apply to the imposition of emergency fees under this
14 subsection.

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

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

18 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

19 Sec. 14. Waste management funds.

20 (a) There is hereby created in the State Treasury a special
21 fund to be known as the "Low-Level Radioactive Waste Facility
22 Development and Operation Fund". All monies within the
23 Low-Level Radioactive Waste Facility Development and Operation
24 Fund shall be invested by the State Treasurer in accordance
25 with established investment practices. Interest earned by such

1 investment shall be returned to the Low-Level Radioactive Waste
2 Facility Development and Operation Fund. Except as otherwise
3 provided in this subsection, the Agency ~~Department~~ shall
4 deposit 80% of all receipts from the fees required under
5 subsections (a) and (b) of Section 13 in the State Treasury to
6 the credit of this Fund. Beginning July 1, 1997, and until
7 December 31 of the year in which the Task Group approves a
8 proposed site under Section 10.3, the Department shall deposit
9 all fees collected under subsections (a) and (b) of Section 13
10 of this Act into the Fund. Subject to appropriation, the Agency
11 ~~Department~~ is authorized to expend all moneys in the Fund in
12 amounts it deems necessary for:

13 (1) hiring personnel and any other operating and
14 contingent expenses necessary for the proper
15 administration of this Act;

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

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

20 (4) hiring personnel, contracting with any person, and
21 meeting any other expenses incurred by the Agency
22 ~~Department~~ in fulfilling its responsibilities under the
23 Radioactive Waste Compact Enforcement Act;

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

25 (6) payment of fees in lieu of taxes to a local
26 government having within its boundaries a regional

1 disposal facility;

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

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

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

1 for all expenditures.

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

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

24 (2) monitoring, inspecting, and other procedures
25 required for the proper closure, decommissioning, and
26 post-closure care of the regional disposal facility;

1 (3) taking any remedial actions necessary to protect
2 human health and the environment from releases or
3 threatened releases of wastes from the regional disposal
4 facility;

5 (4) the purchase of facility and third-party liability
6 insurance necessary during the institutional control
7 period of the regional disposal facility;

8 (5) mitigating the impacts of the suspension or
9 interruption of the acceptance of waste for disposal;

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

14 (7) fulfillment of obligations under a community
15 agreement under Section 12.1.

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

1 all the income and expenditures, and shall indicate the purpose
2 for all expenditures.

3 (c) (Blank).

4 (d) The Agency ~~Department~~ may accept for any of its
5 purposes and functions any donations, grants of money,
6 equipment, supplies, materials, and services from any state or
7 the United States, or from any institution, person, firm or
8 corporation. Any donation or grant of money received after
9 January 1, 1986 shall be deposited in either the Low-Level
10 Radioactive Waste Facility Development and Operation Fund or
11 the Low-Level Radioactive Waste Facility Closure, Post-Closure
12 Care and Compensation Fund, in accordance with the purpose of
13 the grant.

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

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

16 Sec. 15. Compensation.

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

23 (1) Provisions requiring the claimant to make a sworn
24 verification of the claim to the best of his or her
25 knowledge.

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

5 (3) If making a claim based upon physical injury or
6 illness, certification of the medical history of the
7 claimant for the 5 years preceding the date of the claim,
8 along with certification of the alleged physical injury or
9 illness, and expenses for the physical injury or illness,
10 made by hospitals, physicians or other qualified medical
11 authorities.

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

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

25 (c) The following losses shall be compensable under this
26 Section, provided that the Agency ~~Department~~ has found that the

1 claimant has established, by the weight of the evidence, that
2 the losses were proximately caused by the designated release
3 and are not otherwise compensable under law:

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

7 (2) Eighty percent of any uninsured, actual lost wages,
8 or business income in lieu of wages, caused by injury to
9 the claimant or the claimant's property, not to exceed
10 \$15,000 per year for 3 years;

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

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

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

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

24 (f) The Agency ~~Department~~ shall adopt, and revise when
25 appropriate, rules and regulations necessary to implement the
26 provisions of this Section, including methods that provide for

1 establishing that a claimant has exercised reasonable
2 diligence in satisfying the conditions of the application
3 requirements, for specifying the proof necessary to establish a
4 damage or loss compensable under this Section and for
5 establishing the administrative procedures to be followed in
6 reviewing claims.

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

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

15 (420 ILCS 20/17) (from Ch. 111 1/2, par. 241-17)

16 Sec. 17. Penalties.

17 (a) Any person operating any facility in violation of
18 Section 8 shall be subject to a civil penalty not to exceed
19 \$100,000 per day of violation.

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

23 (c) At the request of the Agency Department, the civil
24 penalties shall be recovered in an action brought by the
25 Attorney General on behalf of the State in the circuit court in

1 which the violation occurred. All amounts collected from fines
2 under this Section shall be deposited in the Low-Level
3 Radioactive Waste Facility Closure, Post-Closure Care and
4 Compensation Fund.

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

6 (420 ILCS 20/21.1) (from Ch. 111 1/2, par. 241-21.1)

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

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

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

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

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

3 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

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

1 ~~Safety~~ deems necessary for relocation. The Illinois Emergency
2 Management Agency ~~Department of Nuclear Safety~~ is authorized to
3 operate a relocation program, and to pay such costs of
4 relocation as are provided in the federal "Uniform Relocation
5 Assistance and Real Property Acquisition Policies Act", Public
6 Law 91-646. The Director of the Illinois Emergency Management
7 Agency ~~Nuclear Safety~~ is authorized to exceed the maximum
8 payments provided pursuant to the federal "Uniform Relocation
9 Assistance and Real Property Acquisition Policies Act" if
10 necessary to assure the provision of decent, safe, and sanitary
11 housing, or to secure a suitable alternate location. Payments
12 issued under this Section shall be made from the Low-level
13 Radioactive Waste Facility Development and Operation Fund
14 established by the Illinois Low-Level Radioactive Waste
15 Management Act.

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

17 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

18 Sec. 2. The Director of the Illinois Emergency Management
19 Agency ~~Nuclear Safety~~ may accept, receive, and receipt for
20 moneys or lands, buildings and grounds for and in behalf of the
21 State, given by the Federal Government under any federal law to
22 the State or by any other public or private agency, for the
23 acquisition or operation of a site or sites for the
24 concentration and storage of radioactive wastes. Such funds
25 received by the Director pursuant to this section shall be

1 deposited with the State Treasurer and held and disbursed by
2 him in accordance with "An Act in relation to the receipt,
3 custody, and disbursement of money allotted by the United
4 States of America or any agency thereof for use in this State",
5 approved July 3, 1939, as amended. Provided that such moneys or
6 lands, buildings and grounds shall be used only for the
7 purposes for which they are contributed.

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

9 (420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

10 Sec. 3. The Director of the Illinois Emergency Management
11 Agency ~~Nuclear Safety~~ may lease such lands, buildings and
12 grounds as it may acquire under the provisions of this Act to a
13 private firm or firms for the purpose of operating a site or
14 sites for the concentration and storage of radioactive wastes
15 or for such other purpose not contrary to the public interests.

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

17 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

18 Sec. 4. The operation of any and all sites acquired for the
19 concentration and storage of radioactive wastes shall be under
20 the direct supervision of the Illinois Emergency Management
21 Agency ~~Department of Nuclear Safety~~ and shall be in accordance
22 with regulations promulgated and enforced by the Agency
23 ~~Department~~ to protect the public health and safety.

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

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

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

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

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

13 Sec. 6. It is recognized by the General Assembly that any
14 site used for the concentration and storage of radioactive
15 waste material will represent a continuing and perpetual
16 responsibility in the interests of the public health, safety
17 and general welfare, and that the same must ultimately be
18 reposed in a sovereign government without regard for the
19 existence or nonexistence of any particular agency,
20 instrumentality, department, division or officer thereof. In
21 all instances lands, buildings and grounds which are to be
22 designated as sites for the concentration and storage of
23 radioactive waste materials shall be acquired in fee simple
24 absolute and dedicated in perpetuity to such purpose. All

1 rights, title and interest in, of and to any radioactive waste
2 materials accepted by the Illinois Emergency Management Agency
3 ~~Department of Nuclear Safety~~ for permanent storage at such
4 facilities, shall upon acceptance become the property of the
5 State and shall be in all respects administered, controlled,
6 and disposed of, including transfer by sale, lease, loan or
7 otherwise, by the Agency ~~Department of Nuclear Safety~~ in the
8 name of the State. All fees received pursuant to contracts
9 entered into by the Illinois Emergency Management Agency
10 ~~Director~~ shall be deposited in the State Treasury and shall be
11 set apart in a special fund to be known as the "Radioactive
12 Waste Site Perpetual Care Fund". Monies deposited in the fund
13 shall be expended by the Illinois Emergency Management Agency
14 ~~Director~~ to monitor and maintain the site as required to
15 protect the public health and safety on a continuing and
16 perpetual basis. All payments received by the Department of
17 Nuclear Safety (now the Illinois Emergency Management Agency)
18 pursuant to the settlement agreement entered May 25, 1988, in
19 the matter of the People of the State of Illinois, et al. v.
20 Teledyne, Inc., et al. (No. 78 MR 25, Circuit Court, Bureau
21 County, Illinois) shall be held by the State Treasurer separate
22 and apart from all public moneys or funds of the State, and
23 shall be used only as provided in such settlement agreement.
24 (Source: P.A. 86-257.)

25 Section 45. The Radioactive Waste Tracking and Permitting

1 Act is amended by changing Sections 5, 10, and 15 as follows:

2 (420 ILCS 37/5)

3 Sec. 5. Legislative findings.

4 (a) The General Assembly finds:

5 (1) that a considerable volume of wastes are produced
6 in this State with even greater volumes to be produced in
7 the future;

8 (2) that these wastes pose a significant risk to the
9 public health, safety and welfare of the people of
10 Illinois; and

11 (3) that it is the obligation of the State of Illinois
12 to its citizens to provide for the safe management of the
13 wastes produced within its borders.

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

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

20 (420 ILCS 37/10)

21 Sec. 10. Definitions.

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

24 (b) "Director" means the Director of the Illinois Emergency

1 Management Agency ~~Department of Nuclear Safety~~.

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

4 (d) "Facility" means a parcel of land or a site, together
5 with structures, equipment, and improvements on or appurtenant
6 to the land or site, that is used or is being developed for the
7 treatment, storage, or disposal of low-level radioactive
8 waste.

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

16 (f) "Person" means an individual, corporation, business
17 enterprise, or other legal entity, public or private, or any
18 legal successor, representative, agent, or agency of that
19 individual, corporation, business enterprise, or legal entity.

20 (g) "Regional facility" or "disposal facility" means a
21 facility that is located in Illinois and established by
22 Illinois, under designation of Illinois as a host state by the
23 Commission for disposal of waste.

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

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

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

8 (420 ILCS 37/15)

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

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

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

23 (c) The Illinois Emergency Management Agency ~~Department of~~
24 ~~Nuclear Safety~~ shall adopt regulations providing for the
25 issuance, suspension, and revocation of permits required under

1 subsections (a) and (b) of this Section. The regulations may
2 provide a system for tracking low-level radioactive waste to
3 ensure that waste that other states are responsible for
4 disposing of under federal law does not become the
5 responsibility of the State of Illinois. The regulations shall
6 be consistent with the Federal Hazardous Materials
7 Transportation Act.

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

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

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

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

3 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)
4 (Section scheduled to be repealed on January 1, 2011)

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

6 (a) "Accreditation" means the process by which the Agency
7 grants permission to persons meeting the requirements of this
8 Act and the Agency's ~~Department's~~ rules and regulations to
9 engage in the practice of administering radiation to human
10 beings.

11 (a-2) "Agency" means the Illinois Emergency Management
12 Agency.

13 (a-3) "Assistant Director" means the Assistant Director of
14 the Agency.

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

25 (b) (Blank).

1 (c) (Blank).

2 (d) "General license" means a license, pursuant to
3 regulations promulgated by the Agency, effective without the
4 filing of an application to transfer, acquire, own, possess or
5 use quantities of, or devices or equipment utilizing,
6 radioactive material, including but not limited to by-product,
7 source or special nuclear materials.

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

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

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

24 (e) "Person" means any individual, corporation,
25 partnership, firm, association, trust, estate, public or
26 private institution, group, agency, political subdivision of

1 this State, any other State or political subdivision or agency
2 thereof, and any legal successor, representative, agent, or
3 agency of the foregoing, other than the United States Nuclear
4 Regulatory Commission, or any successor thereto, and other than
5 federal government agencies licensed by the United States
6 Nuclear Regulatory Commission, or any successor thereto.
7 "Person" also includes a federal entity (and its contractors)
8 if the federal entity agrees to be regulated by the State or as
9 otherwise allowed under federal law.

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

17 (f-5) "Radiation emergency" means the uncontrolled release
18 of radioactive material from a radiation installation which
19 poses a potential threat to the public health, welfare, and
20 safety.

21 (g) "Radiation installation" is any location or facility
22 where radiation machines are used or where radioactive material
23 is produced, transported, stored, disposed of, or used for any
24 purpose.

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

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

3 (j) "Radiation source" or "source of ionizing radiation"
4 means a radiation machine or radioactive material as defined
5 herein.

6 (k) "Source material" means (1) uranium, thorium, or any
7 other material which the Agency declares by order to be source
8 material after the United States Nuclear Regulatory
9 Commission, or any successor thereto, has determined the
10 material to be such; or (2) ores containing one or more of the
11 foregoing materials, in such concentration as the Agency
12 declares by order to be source material after the United States
13 Nuclear Regulatory Commission, or any successor thereto, has
14 determined the material in such concentration to be source
15 material.

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

24 (m) "Specific license" means a license, issued after
25 application, to use, manufacture, produce, transfer, receive,
26 acquire, own, or possess quantities of, or devices or equipment

1 utilizing radioactive materials.

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

3 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

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

5 Sec. 6. Accreditation of administrators of radiation;
6 Limited scope accreditation; Rules and regulations; Education.

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

23 (b) The rules and regulations shall also provide that
24 persons who have been accredited by the Agency, in accordance
25 with the Radiation Protection Act, without passing an

1 examination, will remain accredited as provided in Section 43
2 of this Act and that those persons may be accredited, without
3 passing an examination, to use other equipment, procedures, or
4 supervision within the original category of accreditation if
5 the Agency receives written assurances from a person licensed
6 under the Medical Practice Act of 1987, that the person
7 accredited has the necessary skill and qualifications for such
8 additional equipment procedures or supervision. The Agency
9 shall, in accordance with subsection (c) of this Section,
10 provide for the accreditation of nurses, technicians, or other
11 assistants, unless exempted elsewhere in this Act, to perform a
12 limited scope of diagnostic radiography procedures of the
13 chest, the extremities, skull and sinuses, or the spine, while
14 under the supervision of a person licensed under the Medical
15 Practice Act of 1987.

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

1 radiography procedures listed on the student's registration.
2 The student-in-training registration shall be nonrenewable.

3 Upon expiration of the 16 month training period, the
4 student shall be prohibited from performing diagnostic
5 radiography procedures unless accredited by the Agency to
6 perform such procedures. In order to be accredited to perform a
7 limited scope of diagnostic radiography procedures, an
8 individual must pass an examination offered by the Agency. The
9 examination shall be consistent with national standards in
10 regard to protection of public health and safety. The
11 examination shall consist of a standardized component covering
12 general principles applicable to diagnostic radiography
13 procedures and a clinical component specific to the types of
14 procedures for which accreditation is being sought. The Agency
15 may assess a reasonable fee for such examinations to cover the
16 costs incurred by the Agency ~~Department~~ in conjunction with
17 offering the examinations.

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

1 by the business.

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

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

6 (420 ILCS 42/5)

7 Sec. 5. Legislative findings.

8 (a) The General Assembly finds:

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

12 (2) that such radioactive materials pose a significant
13 risk to the public health, safety, and welfare of the
14 people of Illinois; and

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

23 (4) that in addition to this regulation, it is
24 beneficial for the State to have a policy promoting the

1 safe and timely decommissioning of source material milling
2 facilities that have come to the end of their productive
3 lives and the safe and effective decontamination of areas
4 within the State that are contaminated with uranium or
5 thorium mill tailings.

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

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

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

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

18 (b) It is the purpose of this Act to establish a
19 comprehensive program for the timely decommissioning of
20 uranium and thorium mill tailings facilities in Illinois and
21 for the decontamination of properties that are contaminated
22 with uranium or thorium mill tailings. It is the intent of the
23 General Assembly that such a program provide for the safe
24 management of these mill tailings and that the program
25 encourage public participation in all phases of the development
26 of this management program. It is further the intent of the

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

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

5 (420 ILCS 42/10)

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

7 "Agency" means the Illinois Emergency Management Agency.

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

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

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

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

1 Nuclear Regulatory Commission, or any successor thereto.

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

5 "Source material" means (i) uranium, thorium, or any other
6 material that the Agency ~~Department~~ declares by order to be
7 source material after the United States Nuclear Regulatory
8 Commission or its successor has determined the material to be
9 source material; or (ii) ores containing one or more of those
10 materials in such concentration as the Agency ~~Department~~
11 declares by order to be source material after the United States
12 Nuclear Regulatory Commission or its successor has determined
13 the material in such concentration to be source material.

14 "Specific license" means a license, issued after
15 application, to use, manufacture, produce, transfer, receive,
16 acquire, own, or possess quantities of radioactive materials or
17 devices or equipment utilizing radioactive materials.

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

19 (420 ILCS 42/15)

20 Sec. 15. Storage fees.

21 (a) Beginning January 1, 1994, an annual fee shall be
22 imposed on the owner or operator of any property that has been
23 used in whole or in part for the milling of source material and
24 is being used for the storage or disposal of by-product
25 material, equal to \$2 per cubic foot of by-product material

1 being stored or disposed of by the facility. After a facility
2 is cleaned up in accordance with the Agency's ~~Department's~~
3 radiological soil clean-up criteria, no fee shall be due,
4 imposed upon, or collected from an owner. No fee shall be
5 imposed upon any by-product material moved to a facility in
6 contemplation of the subsequent removal of the by-product
7 material pursuant to law or upon any by-product material moved
8 to a facility in contemplation of processing the material
9 through a physical separation facility. No fees shall be
10 collected from any State, county, municipal, or local
11 governmental agency. In connection with settling litigation
12 regarding the amount of the fee to be imposed, the Director may
13 enter into an agreement with the owner or operator of any
14 facility specifying that the fee to be imposed shall not exceed
15 \$26,000,000 in any calendar year. The fees assessed under this
16 Section are separate and distinct from any license fees imposed
17 under Section 11 of the Radiation Protection Act of 1990.

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

26 (b) Moneys may be expended by the Agency ~~Department~~,

1 subject to appropriation, for the following purposes but only
2 as the moneys relate to by-product material attributable to the
3 owner or operator who pays the fees under subsection (a):

4 (1) the costs of monitoring, inspecting, and otherwise
5 regulating the storage and disposal of by-product
6 material, wherever located;

7 (2) the costs of undertaking any maintenance,
8 decommissioning activities, cleanup, responses to
9 radiation emergencies, or remedial action that would
10 otherwise be required of the owner or operator by law or
11 under a license amendment or condition in connection with
12 by-product materials;

13 (3) the costs that would otherwise be required of the
14 owner or operator, by law or under a license amendment or
15 condition, incurred by the State arising from the
16 transportation of the by-product material from a storage or
17 unlicensed disposal location to a licensed permanent
18 disposal facility; and

19 (4) reimbursement to the owner or operator of any
20 facility used for the storage or disposal of by-product
21 material for costs incurred by the owner or operator in
22 connection with the decontamination or decommissioning of
23 the storage or disposal facility or other properties
24 contaminated with by-product material. However, the amount
25 of the reimbursements paid to the owner or operator of a
26 by-product material storage or disposal facility shall not

1 be reduced for any amounts recovered by the owner or
2 operator pursuant to Title X of the federal Energy Policy
3 Act of 1992 and shall not exceed the amount of money paid
4 by that owner or operator under subsection (a) plus the
5 interest attributable to amounts paid by that owner or
6 operator.

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

1 decommissioning plan. If the Director disapproves a
2 reimbursement request, the Director shall set forth in writing
3 to the owner or operator the reasons for disapproval. The owner
4 or operator may resubmit to the Agency ~~Department~~ a disapproved
5 reimbursement request with additional information as may be
6 required. Disapproval of a reimbursement request shall
7 constitute final action for purposes of the Administrative
8 Review Law unless the owner or operator resubmits the denied
9 request within 35 days. To the extent there are funds
10 available, the Director shall prepare and certify to the
11 Comptroller the disbursement of the approved sums to the owners
12 or operators or, if there are insufficient funds available, the
13 Director shall off-set future fees otherwise payable by the
14 owner or operator by the amount of the approved reimbursable
15 expenses.

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

21 (d) (Blank).

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

23 (420 ILCS 42/25)

24 Sec. 25. Response plans.

25 (a) Within one year of the effective date of this Act, the

1 owner or operator of any licensed site where by-product
2 material is located on the effective date of this Act shall
3 file with the Agency ~~Department~~ a detailed plan describing all
4 of the activities necessary for implementation of a permanent
5 remedial action, including, but not limited to, disposal of
6 by-product material at a permanent disposal site, restoration
7 of the licensed site to unrestricted use, and decontamination
8 of all properties that have been identified as being
9 contaminated with by-product material produced at the licensed
10 site. If the licensed site is located in a municipality or
11 within 1.5 miles of the boundary of any municipality, the plan
12 shall also be filed with the governing body of that
13 municipality. If the licensed site is in an unincorporated area
14 of a county and situated more than 1.5 miles from the boundary
15 of the nearest municipality, the plan shall be filed with the
16 governing body of that county.

17 (b) Within one year of discontinuing active source material
18 milling operations, the owner or operator of any facility where
19 ores are processed primarily for their source material content
20 shall file with the Agency ~~Department~~ a detailed plan
21 describing all of the activities necessary for implementation
22 of a permanent remedial action, including, but not limited to,
23 disposal of by-product material at a permanent disposal site,
24 restoration of the facility site to unrestricted use, and
25 decontamination of all properties that have been identified as
26 being contaminated with by-product material produced at the

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

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

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

18 (420 ILCS 42/30)

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

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

24 (420 ILCS 42/32)

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

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

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

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

24 (2) the excavation of soil from a portion of the
25 property where elevated levels of the constituents are
26 present in the excavated soil, unless the excavated soil is

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

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

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

12 (420 ILCS 42/35)

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

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

1 (420 ILCS 42/40)

2 Sec. 40. Violations and penalties.

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

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

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

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

24 Section 60. The Laser System Act of 1997 is amended by
25 changing Sections 10, 15, 20, 22, 25, 30, 35, 40, 45, 50, 60,

1 and 65 as follows:

2 (420 ILCS 56/10)

3 Sec. 10. Legislative purpose. It is the purpose of this Act
4 to provide for a program of effective regulation of laser
5 systems for the protection of human health, welfare, and
6 safety. The Agency ~~Department~~ shall therefore regulate laser
7 systems under this Act to ensure the safe use and operation of
8 those systems.

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

10 (420 ILCS 56/15)

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

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

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

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

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

22 (5) "Laser machine" means a device that is capable of
23 producing laser radiation when associated controlled
24 devices are operated.

1 (6) "Laser radiation" means an electromagnetic
2 radiation emitted from a laser system and includes all
3 reflected radiation, any secondary radiation, or other
4 forms of energy resulting from the primary laser beam.

5 (7) "Laser system" means a device, machine, equipment,
6 or other apparatus that applies a source of energy to a
7 gas, liquid, crystal, or other solid substances or
8 combination thereof in a manner that electromagnetic
9 radiations of a relatively uniform wave length are
10 amplified and emitted in a cohesive beam capable of
11 transmitting the energy developed in a manner that may be
12 harmful to living tissues, including but not limited to
13 electromagnetic waves in the range of visible, infrared, or
14 ultraviolet light. Such systems in schools, colleges,
15 occupational schools, and State colleges and other State
16 institutions are also included in the definition of "laser
17 systems".

18 (8) "Operator" is an individual, group of individuals,
19 partnership, firm, corporation, association, or other
20 entity conducting the business or activities carried on
21 within a laser installation.

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

23 (420 ILCS 56/20)

24 Sec. 20. Registration requirements. An operator of a laser
25 installation, unless otherwise exempted, shall register the

1 installation with the Agency ~~Department~~ before the
2 installation is placed in operation. The registration shall be
3 filed annually on a form prescribed by the Agency ~~Department~~.
4 If any change occurs in a laser installation, the change or
5 changes shall be registered with the Agency ~~Department~~ within
6 30 days. If registering a change in each source of laser
7 radiation or the type or strength of each source of radiation
8 is impractical, the Agency ~~Department~~, upon request of the
9 operator, may approve blanket registration of the
10 installation. Laser installations registered with the Agency
11 ~~Department~~ on the effective date of this Act shall retain their
12 registration.

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

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

19 (420 ILCS 56/22)

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

1 regulation.

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

3 (420 ILCS 56/25)

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

6 (1) a laser system that is not considered to be an
7 acute hazard to the skin and eyes from direct radiation as
8 determined by the FDA classification scheme established in
9 21 C.F.R. Section 1040.10.

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

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

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

21 (420 ILCS 56/30)

22 Sec. 30. Registration fee. The Agency ~~Department~~ may
23 establish by rule a registration fee for operators of laser
24 machines required to register under this Act. The Agency

1 ~~Director~~ may by rule exempt public institutions from the
2 registration fee requirement. Registration fees assessed shall
3 be due and payable within 60 days after the date of billing.
4 If, after 60 days, the registration fee is not paid, the Agency
5 ~~Department~~ may issue an order directing the operator of the
6 installation to cease use of the laser machines for which the
7 fee is outstanding or take other appropriate enforcement action
8 as provided in Section 36 of the Radiation Protection Act of
9 1990. An order issued by the Agency ~~Department~~ shall afford the
10 operator a right to a hearing before the Agency ~~Department~~. A
11 written request for a hearing must be served on the Agency
12 ~~Department~~ within 10 days of notice of the order. If the
13 operator fails to file a timely request for a hearing with the
14 Agency ~~Department~~, the operator shall be deemed to have waived
15 his or her right to a hearing. All moneys received by the
16 Agency ~~Department~~ under this Act shall be deposited into the
17 Radiation Protection Fund and are not refundable. Pursuant to
18 appropriation, moneys deposited into the Fund may be used by
19 the Agency ~~Department~~ to administer and enforce this Act.

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

21 (420 ILCS 56/35)

22 Sec. 35. Agency ~~Department~~ rules. The Agency ~~Department~~ is
23 authorized to adopt rules for the administration and
24 enforcement of this Act and to enter upon, inspect, and
25 investigate the premises and operations of all laser systems of

1 this State, whether or not the systems are required to be
2 registered by this Act. In adopting rules authorized by this
3 Section and in exempting certain laser systems from the
4 registration requirements of Section 20, the Agency ~~Department~~
5 may seek advice and consultation from engineers, physicists,
6 physicians, or other persons with special knowledge of laser
7 systems and of the medical and biological effects of laser
8 systems.

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

10 (420 ILCS 56/40)

11 Sec. 40. Reports of accidental injuries. The operator of a
12 laser system shall promptly report to the Agency ~~Department~~ an
13 accidental injury to an individual in the course of use,
14 handling, operation, manufacture, or discharge of a laser
15 system.

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

17 (420 ILCS 56/45)

18 Sec. 45. Agency ~~Department~~ authority in case of immediate
19 threat to health. Notwithstanding any other provision of this
20 Act, whenever the Agency ~~Department~~ finds that a condition
21 exists that constitutes an immediate threat to the public
22 health or safety, the Agency ~~Department~~ is authorized to do all
23 of the following:

24 (a) Enter onto public or private property and take

1 possession of or require the immediate cessation of use of
2 laser systems that pose an immediate threat to health or
3 safety.

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

13 (1) Discontinuance of the violation.

14 (2) Rendering the laser system inoperable.

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

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

26 (c) Direct the Attorney General to obtain an injunction

1 against a person responsible for causing or allowing the
2 continuance of the immediate threat to health or safety.

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

4 (420 ILCS 56/50)

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

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

20 (420 ILCS 56/60)

21 Sec. 60. Illinois Administrative Procedure Act. The
22 provisions of the Illinois Administrative Procedure Act are
23 hereby expressly adopted and shall apply to all administrative
24 rules and procedures of the Illinois Emergency Management

1 ~~Agency Department of Nuclear Safety~~ under this Act, except that
2 Section 5 of the Illinois Administrative Procedure Act relating
3 to procedures for rulemaking does not apply to the adoption of
4 any rule required by federal law in connection with which the
5 ~~Agency Department~~ is precluded from exercising any discretion.
6 (Source: P.A. 90-209, eff. 7-25-97.)

7 (420 ILCS 56/65)

8 Sec. 65. Administrative Review Law. All final
9 administrative decisions of the ~~Agency Department~~ under this
10 Act shall be subject to judicial review under the provisions of
11 the Administrative Review Law and its rules. The term
12 "administrative decision" is defined as in Section 3-101 of the
13 Code of Civil Procedure.
14 (Source: P.A. 90-209, eff. 7-25-97.)

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

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