



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB1209

by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

See Index

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

LRB098 08975 NHT 39109 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning conservation.

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

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

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

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

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

18 (b) The Department may:

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

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

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

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

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

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

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

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

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

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

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

26 Monies in the Small Business Environmental Assistance Fund

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

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

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

6 (20 ILCS 608/15)

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

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

20 (b) (Blank).

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

1 permit assistance manager to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 facilities requested by the office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 follows:

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

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

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

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

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

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

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

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

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

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

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

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

4 (20 ILCS 3954/15)

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

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

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

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

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

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

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

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

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

4 (110 ILCS 425/5)

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

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

17 (110 ILCS 425/10)

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

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

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

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

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

7 (110 ILCS 425/15)

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

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

21 (110 ILCS 425/20)

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

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

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

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

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

20 (4) To investigate the entomology of the State. The  
21 Illinois State Entomologist shall be an employee of the  
22 Illinois Natural History Survey.

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

1 other ornamental vegetation of cities and villages, and to  
2 the products of the mills and the contents of warehouses,  
3 and all insects injurious or dangerous to the public  
4 health.

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

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

22 (8) To act as the central data repository and research  
23 coordinator for the State in matters related to water and  
24 atmospheric resources. The Illinois State Water Survey of  
25 the University of Illinois may monitor and evaluate all  
26 weather modification operations in Illinois. The Illinois

1       State Climatologist and the Illinois State Hydrologist  
2       shall be employees of the Illinois State Water Survey.

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

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

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

21           (12) To participate in federal and State geologic  
22       mapping programs.

23           (13) To conduct educational programs to further the  
24       exchange of information to reduce the generation of  
25       hazardous wastes or to treat or dispose of such wastes so  
26       as to make them nonhazardous.

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

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

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

14 (17) To investigate, preserve, and interpret the  
15 archaeological heritage of this State within the contexts  
16 of public needs and sustainable economic development  
17 through scientific research, public service, education,  
18 and outreach activities. The Illinois State Archaeologist  
19 shall be an employee of the Illinois State Archeological  
20 Survey.

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

22 (110 ILCS 425/55)

23 Sec. 55. Successor agency. For purposes of the Successor  
24 Agency Act and Section 9b of the State Finance Act, the Board  
25 of Trustees is the successor to the Department of Natural

1 Resources and the Illinois Board of Natural Resources and  
2 Conservation with respect to the rights, powers, duties,  
3 property, functions, and other matters transferred by this Act.  
4 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

5 Section 35. The Well Abandonment Act is amended by changing  
6 Section 1 as follows:

7 (225 ILCS 730/1) (from Ch. 96 1/2, par. 5201)

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

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

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

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

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

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

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

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

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

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

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

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

20           "Toxic pollution prevention" means in-plant practices that  
21 reduce, avoid or eliminate: (i) the use of toxic substances,  
22 (ii) the generation of toxic constituents in wastes, (iii) the  
23 disposal or release of toxic substances into the environment,  
24 or (iv) the development or manufacture of products with toxic  
25 constituents, through the application of any of the following

1 techniques:

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

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

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

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

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

23 (6) recycling, reuse or extended use of toxic  
24 substances by using equipment or methods which become an  
25 integral part of the production process, including but not  
26 limited to filtration and other closed loop methods.

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

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

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

13           (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

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

25           (1) Shall provide general information about and actively

1 publicize the advantages of and developments in toxic pollution  
2 prevention.

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

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

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

24 (5) May sponsor pilot projects in cooperation with the  
25 Agency, or an institute of higher education to develop and  
26 demonstrate innovative technologies and methods for toxic

1 pollution prevention. The results of all such projects shall be  
2 available for use by the public, but trade secret information  
3 shall remain protected.

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

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

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

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

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

24 In determining whether to award a grant, the Center  
25 shall consider at least the following:

26 (i) the potential of the project to prevent

1 pollution;

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

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

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

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

25 (8) May contract with an established institution of higher  
26 education to assist the Center in carrying out the provisions

1 of this Section. The assistance provided by such an institution  
2 may include, but need not be limited to:

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

5 (B) development of a toxic pollution prevention  
6 curriculum for students and faculty; and

7 (C) applied toxic pollution prevention and recycling  
8 research.

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

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

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

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

19 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

20 Sec. 3. Definitions.

21 "Agency" means the Illinois Emergency Management Agency.

22 "Broker" means any person who takes possession of low-level  
23 waste for purposes of consolidation and shipment.

24 "Compact" means the Central Midwest Interstate Low-Level

1 Radioactive Waste Compact.

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

6 "Director" means the Director of the Illinois Emergency  
7 Management Agency.

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

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

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

21 "Hazardous waste" means a waste, or combination of wastes,  
22 which because of its quantity, concentration, or physical,  
23 chemical, or infectious characteristics may cause or  
24 significantly contribute to an increase in mortality or an  
25 increase in serious, irreversible, or incapacitating  
26 reversible, illness; or pose a substantial present or potential

1 hazard to human health or the environment when improperly  
2 treated, stored, transported, or disposed of, or otherwise  
3 managed, and which has been identified, by characteristics or  
4 listing, as hazardous under Section 3001 of the Resource  
5 Conservation and Recovery Act of 1976, P.L. 94-580 or under  
6 regulations of the Pollution Control Board.

7 "High-level radioactive waste" means:

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

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

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

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

24 "Person" means an individual, corporation, business  
25 enterprise or other legal entity either public or private and  
26 any legal successor, representative, agent or agency of that

1 individual, corporation, business enterprise, or legal entity.

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

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

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

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

1 excavations, repair or replacement of leaking containers,  
2 collection of leachate and runoff, onsite treatment or  
3 incineration, provision of alternative water supplies and any  
4 monitoring reasonably required to assure that these actions  
5 protect human health and the environment.

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

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

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

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

24 "Waste management" means the storage, transportation,  
25 treatment or disposal of waste.

26 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999; 95-777, eff.

1 8-4-08; 96-328, eff. 8-11-09.)

2 Section 50. The Wildlife Code is amended by changing  
3 Section 1.3 as follows:

4 (520 ILCS 5/1.3)

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

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

19 The Department is authorized to establish seasons for the  
20 taking of migratory birds within the dates established annually  
21 by Proclamation of the Secretary, United States Department of  
22 the Interior, known as the "Rules and Regulations for Migratory  
23 Bird Hunting" (50 CFR 20 et seq.). When the biological balance  
24 of any species is affected, the Director may with the approval

1 of the Conservation Advisory Board, by administrative rule,  
2 lengthen, shorten or close the season during which waterfowl  
3 may be taken within the federal limitations prescribed. If the  
4 Department does not adopt an administrative rule establishing a  
5 season, then the season shall be as set forth in the current  
6 "Rules and Regulations for Migratory Bird Hunting". The  
7 Department shall advise the public by reasonable means of the  
8 dates of the various seasons.

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

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

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

18 (30 ILCS 105/8.24 rep.)

19 Section 55. The State Finance Act is amended by repealing  
20 Section 8.24.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.

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2		Statutes amended in order of appearance
3	20 ILCS 605/605-515	was 20 ILCS 605/46.13a
4	20 ILCS 608/15	
5	20 ILCS 1130/3	from Ch. 111 1/2, par. 6803
6	20 ILCS 1130/4	from Ch. 111 1/2, par. 6804
7	20 ILCS 1130/6	from Ch. 111 1/2, par. 6806
8	20 ILCS 3954/15	
9	110 ILCS 355/3000-5	was 110 ILCS 355/62
10	110 ILCS 425/5	
11	110 ILCS 425/10	
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13	110 ILCS 425/20	
14	110 ILCS 425/55	
15	225 ILCS 730/1	from Ch. 96 1/2, par. 5201
16	415 ILCS 85/3	from Ch. 111 1/2, par. 7953
17	415 ILCS 85/5	from Ch. 111 1/2, par. 7955
18	420 ILCS 20/3	from Ch. 111 1/2, par. 241-3
19	520 ILCS 5/1.3	
20	30 ILCS 105/8.24 rep.	