



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5066

Introduced 2/8/2024, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

420 ILCS 42/32

Amends the Uranium and Thorium Mill Tailings Control Act. Provides that the Illinois Emergency Management Agency and Office of Homeland Security may approve a request for license termination following adoption and implantation by the municipality or county in which the material milling facility is located of one or more ordinances restricting the use of groundwater on the property that has been licensed for the milling of source material and the property downgradient from that property if the ordinance ensures public health and safety and is in effect at the time of license termination. Requires the ordinances adopted for the purpose of terminating a license to remain in effect until the Agency approves in writing that the ordinances are no longer needed.

LRB103 38838 BDA 68975 b

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 Uranium and Thorium Mill Tailings Control
5 Act is amended by changing Section 32 as follows:

6 (420 ILCS 42/32)

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

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

19 (a-5) As an alternative to the method prescribed in
20 subsection (a), the Agency may approve a request for license
21 termination following adoption and implementation by the
22 municipality or county in which the material milling facility
23 is located of one or more ordinances restricting the use of

1 groundwater on the property that has been licensed for the
2 milling of source material and the property downgradient from
3 that property, provided that the ordinances are determined by
4 the Agency to provide sufficient protection of public health
5 and safety and the ordinances are in effect at the time of
6 license termination.

7 (a-6) For Agency actions based upon subsection (a-5), the
8 ordinances in effect at the time of license termination shall
9 remain in effect until the Agency expressly approves in
10 writing that the ordinances are no longer required.

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

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

22 (2) the excavation of soil from a portion of the
23 property where elevated levels of the constituents are
24 present in the excavated soil, unless the excavated soil
25 is (i) disposed of in a facility licensed or permitted to
26 dispose of that soil or (ii) returned to the approximate

1 depth from which it was excavated and covered with an
2 equivalent cover.

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

9 (Source: P.A. 95-777, eff. 8-4-08.)