



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0429

Introduced 2/16/2005, by Sen. Dave Sullivan

SYNOPSIS AS INTRODUCED:

| | |
|------------------|---------------------------------|
| 420 ILCS 20/3 | from Ch. 111 1/2, par. 241-3 |
| 420 ILCS 20/4 | from Ch. 111 1/2, par. 241-4 |
| 420 ILCS 20/5 | from Ch. 111 1/2, par. 241-5 |
| 420 ILCS 20/6 | from Ch. 111 1/2, par. 241-6 |
| 420 ILCS 20/7 | from Ch. 111 1/2, par. 241-7 |
| 420 ILCS 20/8 | from Ch. 111 1/2, par. 241-8 |
| 420 ILCS 20/9 | from Ch. 111 1/2, par. 241-9 |
| 420 ILCS 20/10 | from Ch. 111 1/2, par. 241-10 |
| 420 ILCS 20/10.2 | from Ch. 111 1/2, par. 241-10.2 |
| 420 ILCS 20/10.3 | from Ch. 111 1/2, par. 241-10.3 |
| 420 ILCS 20/11 | from Ch. 111 1/2, par. 241-11 |
| 420 ILCS 20/13 | from Ch. 111 1/2, par. 241-13 |
| 420 ILCS 20/14 | from Ch. 111 1/2, par. 241-14 |
| 420 ILCS 20/15 | from Ch. 111 1/2, par. 241-15 |
| 420 ILCS 20/17 | from Ch. 111 1/2, par. 241-17 |
| 420 ILCS 20/18 | from Ch. 111 1/2, par. 241-18 |
| 420 ILCS 20/21.1 | from Ch. 111 1/2, par. 241-21.1 |

Amends the Illinois Low-Level Radioactive Waste Management Act. Changes references in the Act from the "Department of Nuclear Safety" to the "Illinois Emergency Management Agency". Deletes a provision authorizing the Agency to assess additional fees against licensed nuclear power owners under certain circumstances (now, additional assessments are authorized when the Low-Level Radioactive Waste Facility Development and Operation Fund falls below 500,000 with the exception that no additional annual fee shall be assessed because of the fund balance at the end of FY05). Effective immediately.

LRB094 10668 RSP 41034 b

FISCAL NOTE ACT
MAY APPLY

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

8 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

9 Sec. 3. Definitions.

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

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

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

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

20 (e) "Director" means the Director of the Department of
21 Nuclear Safety or the Assistant Director of the Illinois
22 Emergency Management Agency (as successor to the Director of
23 Nuclear Safety).

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

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

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

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

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

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

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

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

32 (l) "Mixed waste" means waste that is both "hazardous
33 waste" and "low-level radioactive waste" as defined in this
34 Act.

35 (m) "Person" means an individual, corporation, business
36 enterprise or other legal entity either public or private and

1 any legal successor, representative, agent or agency of that
2 individual, corporation, business enterprise, or legal entity.

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

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

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

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

33 (q-5) "Scientific Surveys" means, collectively, the State
34 Geological Survey Division and the State Water Survey Division
35 of the Department of Natural Resources.

36 (r) "Shallow land burial" means a land disposal facility in

1 which radioactive waste is disposed of in or within the upper
2 30 meters of the earth's surface. However, this definition
3 shall not include an enclosed, engineered, structurally
4 re-enforced and solidified bunker that extends below the
5 earth's surface.

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

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

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

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

18 (420 ILCS 20/4) (from Ch. 111 1/2, par. 241-4)

19 Sec. 4. Generator and broker registration.

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

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

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

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

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

14 (420 ILCS 20/5) (from Ch. 111 1/2, par. 241-5)

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

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

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

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

30 (3) Requirements and standards relating to the
31 experience and performance history of the firm in the
32 design, development, construction and operation of
33 low-level radioactive waste disposal facilities; and

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

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

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

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

27 (420 ILCS 20/6) (from Ch. 111 1/2, par. 241-6)

28 Sec. 6. Requirements for disposal facility.

29 (a) The Department of Nuclear Safety or its successor
30 agency, the Illinois Emergency Management Agency, shall as it
31 deems necessary to protect human health and the environment,
32 promulgate rules and regulations establishing standards
33 applicable to the regional disposal facility. The rules and
34 regulations shall reflect the best available management
35 technologies which are economically reasonable,

1 technologically feasible and environmentally sound for the
2 disposal of the wastes and shall establish, but need not be
3 limited to the establishment of:

4 (1) requirements and performance standards for the
5 design, construction, operation, maintenance and
6 monitoring of the low-level radioactive waste disposal
7 facility;

8 (2) requirements and standards for the keeping of
9 records and the reporting and retaining of data collected
10 by the contractor selected to operate the disposal
11 facility;

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

15 (4) requirements and standards for establishing the
16 financial responsibility of the contractor selected to
17 operate the disposal facility;

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

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

23 (b) The regulations shall include provisions requiring
24 that the contractor selected to operate the disposal facility
25 post a performance bond with the Department or the Agency or
26 show evidence of liability insurance or other means of
27 establishing financial responsibility in an amount sufficient
28 to adequately provide for any necessary remedial actions or
29 liabilities that might be incurred by the operation of the
30 disposal facility during the operating period and during a
31 reasonable period of post-closure care.

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

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

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

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

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

9 (420 ILCS 20/7) (from Ch. 111 1/2, par. 241-7)

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

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

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

26 (3) the use of technologies for the treatment of such
27 wastes to minimize the radioactive characteristics of the waste
28 disposed of or to reduce the tendency of the waste to migrate
29 in geologic and hydrologic formations.

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

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

33 (420 ILCS 20/8) (from Ch. 111 1/2, par. 241-8)

34 Sec. 8. Requirements for waste facility licensing.

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

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

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

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

16 (3) financial and personnel information necessary to
17 assure the integrity and qualifications of the contractor
18 selected to operate the facility;

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

22 (5) a contingency plan to establish the procedures to
23 be followed in the event of unanticipated radioactive
24 releases.

25 (c) The Director may issue a license for the construction
26 and operation of a facility authorized by this Act, provided
27 the applicant for the license has complied with applicable
28 provisions of this Act and regulations of the Department of
29 Nuclear Safety or its successor agency, the Illinois Emergency
30 Management Agency. No license issued by the Director shall
31 authorize the disposal of mixed waste at any regional disposal
32 facility. In the event that an applicant or licensee proposes
33 modifications to a facility, or in the event that the Director
34 determines that modifications are necessary to conform to the
35 requirements of this Act, the Director may issue any license
36 modifications necessary to protect human health and the

1 environment and may specify the time allowed to complete the
2 modifications.

3 (d) Upon a determination by the Director of substantial
4 noncompliance with any license granted under this Act or upon a
5 determination that an emergency exists posing a significant
6 hazard to public health and the environment, the Director may
7 revoke a license issued under this Act. Before revoking any
8 license, the Director shall serve notice upon the alleged
9 violator setting forth the Sections of this Act, or the rules
10 adopted under this Act, that are alleged to have been violated.
11 The Director shall hold at least one public hearing not later
12 than 30 days following the notice.

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

17 (f) (Blank).

18 (g) Notwithstanding subsection (d) of Section 10.3 of this
19 Act, a license issued by the Department of Nuclear Safety or
20 its successor agency, the Illinois Emergency Management
21 Agency, to operate any regional disposal facility shall be
22 revoked as a matter of law to the extent that the license
23 authorizes disposal if:

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

28 (2) (A) if the facility is located more than 1 1/2
29 miles from the boundary of a municipality and the county in
30 which the facility is located passes an ordinance ordering
31 the license revoked, or

32 (B) if the facility is located within a municipality or
33 within 1 1/2 miles of the boundary of a municipality and
34 that municipality passes an ordinance ordering the license
35 revoked.

36 (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
6 Department of Nuclear Safety or its successor agency, the
7 Illinois Emergency Management Agency.

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

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

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

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

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

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

28 (5) The use of interim storage and transshipment
29 facilities.

30 (d) The Director may issue a permit to any applicant who
31 has met and whom he believes will comply with the requirements
32 of the Illinois Hazardous Materials Transportation Act and any
33 other applicable State or federal laws or regulations. In the
34 event that an applicant or permittee proposes modifications of
35 a permit, or in the event that the Director determines that

1 modifications are necessary to conform with the requirements of
2 the Act, the Director may issue any permit modifications
3 necessary to protect human health and the environment and may
4 specify the time allowed to complete the modifications.

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

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

16 (420 ILCS 20/10) (from Ch. 111 1/2, par. 241-10)

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

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

30 (420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

31 Sec. 10.2. Creation of Low-Level Radioactive Waste Task
32 Group; adoption of criteria; selection of site for
33 characterization.

34 (a) There is hereby created the Low-Level Radioactive Waste

1 Task Group consisting of the Directors of the Environmental
2 Protection Agency, the Department of Natural Resources, and the
3 Department of Nuclear Safety (or their designees) and 6
4 additional members designated by the Governor. The 6 additional
5 members shall:

6 (1) be confirmed by the Senate; and

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

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

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

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

31 (c) Upon adoption of the criteria, the Director of Natural
32 Resources shall direct the Scientific Surveys to screen the
33 State of Illinois. By September 30, 1997, the Scientific
34 Surveys shall (i) complete a Statewide screening of the State
35 using available information and the Surveys' geography-based
36 information system to produce individual and composite maps

1 showing the application of individual criteria; (ii) complete
2 the evaluation of all land volunteered before the effective
3 date of this amendatory Act of 1997 to determine whether any of
4 the volunteered land appears likely to satisfy the criteria;
5 (iii) document the results of the screening and volunteer site
6 evaluations in a written report and submit the report to the
7 chairman of the Task Group and to the Director of Nuclear
8 Safety; and (iv) transmit to the Task Group and to the
9 Department of Nuclear Safety, in a form specified by the Task
10 Group and the Department, all information and documents
11 assembled by the Scientific Surveys in performing the
12 obligations of the Scientific Surveys under this Act. Upon
13 completion of the screening and volunteer site evaluation
14 process, the Director of the Department of Natural Resources
15 shall be replaced on the Task Group by a member appointed by
16 the Governor and confirmed by the Senate. The member appointed
17 to replace the Director of the Department of Natural Resources
18 shall have expertise that the Governor determines to be
19 appropriate.

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

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

34 (2) (blank);

35 (3) the current and most reliable projections
36 regarding the costs of the siting, design, development,

1 construction, operation, closure, decommissioning, and
2 post-closure care of a regional disposal facility;

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

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

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

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

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

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

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

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

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

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

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

34 (e) Upon completion of the site evaluations, the contractor
35 selected by the Department of Nuclear Safety or its successor
36 agency, the Illinois Emergency Management Agency, shall

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

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

33 (g) The chairman of the Task Group shall convene at least
34 one public meeting on each proposed site. At the public meeting
35 or meetings, the contractor selected by the Department of
36 Nuclear Safety or its successor agency, the Illinois Emergency

1 Management Agency, shall present the results of the evaluation
2 of the proposed site. The Task Group shall receive such other
3 written and oral information about the proposed site that may
4 be submitted at the meeting. Following the meeting, the Task
5 Group shall decide whether the proposed site satisfies the
6 criteria adopted under subsection (b) of this Section. If the
7 Task Group determines that the proposed site does not satisfy
8 the criteria, the Department or the Agency may require a
9 contractor to submit a further report pursuant to subsection
10 (e) of this Section proposing another site from the locations
11 identified under the site selection process established
12 pursuant to subsection (c-5) of this Section as likely to
13 satisfy the criteria. Following notice and distribution of the
14 report as required by subsection (f) of this Section, the new
15 proposed site shall be the subject of a public meeting under
16 this subsection. The contractor selected by the Department or
17 the Agency shall propose additional sites, and the Task Group
18 shall conduct additional public meetings, until the Task Group
19 has approved a proposed site recommended by a contractor as
20 satisfying the criteria adopted under subsection (b) of this
21 Section. In the event that the Task Group does not approve any
22 of the proposed sites recommended by the contractor under this
23 subsection as satisfying the criteria adopted under subsection
24 (b) of this Section, the Task Group shall immediately suspend
25 all work and the Department or the Agency shall prepare a study
26 containing, at a minimum, the Department's or the Agency's
27 recommendations regarding the viability of the site selection
28 process established pursuant to this Act, based on the factors
29 and circumstances specified in items (1) through (6) of
30 subsection (c-3) of Section 10.2. The Department or the Agency
31 shall provide copies of the study to the Governor, the
32 President and Minority Leader of the Senate, and the Speaker
33 and Minority Leader of the House. The Department or the Agency
34 shall also publish a notice of availability of the study in the
35 State newspaper and make copies of the report available without
36 charge to the public.

1 (h) (Blank).

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

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

10 (420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

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

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

21 (b) If the contractor determines, following or at any time
22 during characterization of the site proposed under Section 10.2
23 of this Act, that the proposed site is not appropriate for the
24 development of a regional disposal facility, the Department of
25 Nuclear Safety or its successor agency, the Illinois Emergency
26 Management Agency, may require the contractor to propose an
27 additional site to the Task Group from the locations identified
28 under the site selection process established under subsection
29 (c-5) of Section 10.2 that is likely to satisfy the criteria
30 adopted under subsection (b) of Section 10.2. The new proposed
31 site shall be the subject of public notice, distribution, and
32 public meeting conducted by the Task Group under the procedures
33 set forth in subsections (f) and (g) of Section 10.2 of this
34 Act. The contractor selected by the Department or the Agency
35 shall propose additional sites and the Task Group shall conduct

1 additional public meetings until (i) the Task Group has
2 approved a proposed site recommended by a contractor as
3 satisfying the criteria adopted under subsection (b) of Section
4 10.2, and (ii) the contractor has determined, following
5 characterization, that the site is appropriate for the
6 development of the regional disposal facility. Upon the
7 selection of a proposed site under this subsection, (i) the
8 contractor shall submit to the Department or the Agency an
9 application for a license to construct and operate a regional
10 disposal facility at the selected site and (ii) the Task Group
11 shall be abolished and its records transferred to the
12 Department or the Agency.

13 (c) The Department of Nuclear Safety or its successor
14 agency, the Illinois Emergency Management Agency, shall review
15 the license application filed pursuant to Section 8 and
16 subsections (a) and (b) of this Section in accordance with its
17 rules and the agreement between the State of Illinois and the
18 Nuclear Regulatory Commission under Section 274 of the Atomic
19 Energy Act. If the Department or the Agency determines that the
20 license should be issued, the Department or the Agency shall
21 publish in the State newspaper a notice of intent to issue the
22 license. Objections to issuance of the license may be filed
23 within 90 days of publication of the notice. Upon receipt of
24 objections, the Director shall appoint a hearing officer who
25 shall conduct an adjudicatory hearing on the objections. The
26 burden of proof at the hearing shall be on the person filing
27 the objections. Upon completion of the hearing, the hearing
28 officer shall recommend to the Director whether the license
29 should be issued. The decision of the Director to issue or deny
30 the license may be appealed under Section 18.

31 (d) The procedures, criteria, terms, and conditions set
32 forth in this Act, and in the rules adopted under this Act, for
33 the treatment, storage, and disposal of low-level radioactive
34 waste and for the siting, licensure, design, construction,
35 maintenance, operation, closure, decommissioning, and
36 post-closure care of the regional disposal facility shall be

1 the exclusive procedures, criteria, terms, and conditions for
2 those matters.

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

4 (420 ILCS 20/11) (from Ch. 111 1/2, par. 241-11)

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

6 (a) (Blank).

7 (b) (Blank).

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

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

27 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

28 Sec. 13. Waste fees.

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

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

4 (2) \$2 per cubic foot of waste stored for shipment if
5 storage of the waste occurs on or after September 7, 1984,
6 but prior to October 1, 1985;

7 (3) \$3 per cubic foot of waste stored for shipment if
8 storage of the waste occurs on or after October 1, 1985;

9 (4) \$2 per cubic foot of waste shipped for storage,
10 treatment or disposal if storage of the waste for shipment
11 occurs on or after September 7, 1984 but prior to October
12 1, 1985, provided that no fee has been collected previously
13 for storage of the waste;

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

18 Such fees shall be collected annually or as determined by
19 the Department or the Agency and shall be deposited in the
20 low-level radioactive waste funds as provided in Section 14 of
21 this Act. Notwithstanding any other provision of this Act, no
22 fee under this Section shall be collected from a generator for
23 waste generated incident to manufacturing before December 31,
24 1980, and shipped for disposal outside of this State before
25 December 31, 1992, as part of a site reclamation leading to
26 license termination.

27 (b) Each nuclear power reactor in this State for which an
28 operating license has been issued by the Nuclear Regulatory
29 Commission shall not be subject to the fee required by
30 subsection (a) with respect to (1) waste stored for shipment if
31 storage of the waste occurs on or after January 1, 1986; and
32 (2) waste shipped for storage, treatment or disposal if storage
33 of the waste for shipment occurs on or after January 1, 1986.
34 In lieu of the fee, each reactor shall be required to pay an
35 annual fee as provided in this subsection for the treatment,
36 storage and disposal of low-level radioactive waste. Beginning

1 with State fiscal year 1986 and through State fiscal year 1997,
2 fees shall be due and payable on January 1st of each year. For
3 State fiscal year 1998 and all subsequent State fiscal years,
4 fees shall be due and payable on July 1 of each fiscal year.
5 The fee due on July 1, 1997 shall be payable on that date, or
6 within 10 days after the effective date of this amendatory Act
7 of 1997, whichever is later.

8 The owner of any nuclear power reactor that has an
9 operating license issued by the Nuclear Regulatory Commission
10 for any portion of State fiscal year 1998 shall continue to pay
11 an annual fee of \$90,000 for the treatment, storage, and
12 disposal of low-level radioactive waste through State fiscal
13 year 2002. The fee shall be due and payable on July 1 of each
14 fiscal year. The fee due on July 1, 1998 shall be payable on
15 that date, or within 10 days after the effective date of this
16 amendatory Act of 1998, whichever is later. ~~If the balance in
17 the Low Level Radioactive Waste Facility Development and
18 Operation Fund falls below \$500,000, as of the end of any
19 fiscal year after fiscal year 2002, the Department is
20 authorized to assess by rule, after notice and a hearing, an
21 additional annual fee to be paid by the owners of nuclear power
22 reactors for which operating licenses have been issued by the
23 Nuclear Regulatory Commission, except that no additional
24 annual fee shall be assessed because of the fund balance at the
25 end of fiscal year 2005. The additional annual fee shall be
26 payable on the date or dates specified by rule and shall not
27 exceed \$30,000 per operating reactor per year.~~

28 (c) In each of State fiscal years 1988, 1989 and 1990, in
29 addition to the fee imposed in subsections (b) and (d), the
30 owner of each nuclear power reactor in this State for which an
31 operating license has been issued by the Nuclear Regulatory
32 Commission shall pay a fee of \$408,000. If an operating license
33 is issued during one of those 3 fiscal years, the owner shall
34 pay a prorated amount of the fee equal to \$1,117.80 multiplied
35 by the number of days in the fiscal year during which the
36 nuclear power reactor was licensed.

1 The fee shall be due and payable as follows: in fiscal year
2 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
3 shall be paid on each of January 1, 1988 and April 1, 1988; in
4 fiscal year 1989, \$102,000 shall be paid on each of July 1,
5 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
6 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
7 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
8 the operating license is issued during one of the 3 fiscal
9 years, the owner shall be subject to those payment dates, and
10 their corresponding amounts, on which the owner possesses an
11 operating license and, on June 30 of the fiscal year of
12 issuance of the license, whatever amount of the prorated fee
13 remains outstanding.

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

20 (d) In addition to the fees imposed in subsections (b) and
21 (c), the owners of nuclear power reactors in this State for
22 which operating licenses have been issued by the Nuclear
23 Regulatory Commission shall pay the following fees for each
24 such nuclear power reactor: for State fiscal year 1989,
25 \$325,000 payable on October 1, 1988, \$162,500 payable on
26 January 1, 1989, and \$162,500 payable on April 1, 1989; for
27 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
28 payable on October 1, \$300,000 payable on January 1 and
29 \$300,000 payable on April 1; for State fiscal year 1991, either
30 (1) \$150,000 payable on July 1, \$650,000 payable on September
31 1, \$675,000 payable on January 1, and \$275,000 payable on April
32 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
33 month from August through December, \$225,000 on the first day
34 of each month from January through March and \$92,000 on the
35 first day of each month from April through June; for State
36 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable

1 on September 1, \$300,000 payable on October 1, \$150,000 payable
2 on January 1, and \$100,000 payable on April 1; for State fiscal
3 year 1993, \$100,000 payable on July 1, \$230,000 payable on
4 August 1 or within 10 days after July 31, 1992, whichever is
5 later, and \$355,000 payable on October 1; for State fiscal year
6 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
7 and \$75,000 payable on April 1; for State fiscal year 1995,
8 \$100,000 payable on July 1, \$75,000 payable on October 1, and
9 \$75,000 payable on April 1, for State fiscal year 1996,
10 \$100,000 payable on July 1, \$75,000 payable on October 1, and
11 \$75,000 payable on April 1. The owner of any nuclear power
12 reactor that has an operating license issued by the Nuclear
13 Regulatory Commission for any portion of State fiscal year 1998
14 shall pay an annual fee of \$30,000 through State fiscal year
15 2003. For State fiscal year 2004 and subsequent fiscal years,
16 the owner of any nuclear power reactor that has an operating
17 license issued by the Nuclear Regulatory Commission shall pay
18 an annual fee of \$30,000 per reactor, provided that the fee
19 shall not apply to a nuclear power reactor with regard to which
20 the owner notified the Nuclear Regulatory Commission during
21 State fiscal year 1998 that the nuclear power reactor
22 permanently ceased operations. The fee shall be due and payable
23 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
24 be payable on that date, or within 10 days after the effective
25 date of this amendatory Act of 1998, whichever is later. The
26 fee due on July 1, 1997 shall be payable on that date or within
27 10 days after the effective date of this amendatory Act of
28 1997, whichever is later. If the payments under this subsection
29 for fiscal year 1993 due on January 1, 1993, or on April 1,
30 1993, or both, were due before the effective date of this
31 amendatory Act of the 87th General Assembly, then those
32 payments are waived and need not be made.

33 All of the amounts collected by the Department or the
34 Agency under this subsection (d) shall be deposited into the
35 Low-Level Radioactive Waste Facility Development and Operation
36 Fund created pursuant to subsection (a) of Section 14 of this

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

3 All payments made by licensees under this subsection (d)
4 for fiscal year 1992 that are not appropriated and obligated by
5 the Department above \$1,750,000 per reactor in fiscal year
6 1992, shall be credited to the licensees making the payments to
7 reduce the per reactor fees required under this subsection (d)
8 for fiscal year 1993.

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

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

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

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

20 (f) Any operating agreement entered into under subsection
21 (b) of Section 5 of this Act between the Department of Nuclear
22 Safety or its successor agency, the Illinois Emergency
23 Management Agency, and any disposal facility contractor shall,
24 subject to the provisions of this Act, authorize the contractor
25 to impose upon and collect from persons using the disposal
26 facility fees designed and set at levels reasonably calculated
27 to produce sufficient revenues (1) to pay all costs and
28 expenses properly incurred or accrued in connection with, and
29 properly allocated to, performance of the contractor's
30 obligations under the operating agreement, and (2) to provide
31 reasonable and appropriate compensation or profit to the
32 contractor under the operating agreement. For purposes of this
33 subsection (f), the term "costs and expenses" may include,
34 without limitation, (i) direct and indirect costs and expenses
35 for labor, services, equipment, materials, insurance and other
36 risk management costs, interest and other financing charges,

1 and taxes or fees in lieu of taxes; (ii) payments to or
2 required by the United States, the State of Illinois or any
3 agency or department thereof, the Central Midwest Interstate
4 Low-Level Radioactive Waste Compact, and subject to the
5 provisions of this Act, any unit of local government; (iii)
6 amortization of capitalized costs with respect to the disposal
7 facility and its development, including any capitalized
8 reserves; and (iv) payments with respect to reserves, accounts,
9 escrows or trust funds required by law or otherwise provided
10 for under the 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
27 event that acceptance of waste for disposal at the regional
28 disposal facility is suspended, delayed or interrupted, to
29 impose emergency fees on the generators of low-level
30 radioactive waste. Generators shall pay emergency fees within
31 30 days of receipt of notice of the emergency fees. The Agency
32 ~~Department~~ shall deposit all of the receipts of any fees
33 collected under this subsection into the Low-Level Radioactive
34 Waste Facility Development and Operation Fund created under
35 subsection (b) of Section 14. Emergency fees may be used to
36 mitigate the impacts of the suspension or interruption of

1 acceptance of waste for disposal. The requirements for
2 rulemaking in the Illinois Administrative Procedure Act shall
3 not apply to the imposition of emergency fees under this
4 subsection.

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

7 (Source: P.A. 92-276, eff. 8-7-01; 93-839, eff. 7-30-04.)

8 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

9 Sec. 14. Waste management funds.

10 (a) There is hereby created in the State Treasury a special
11 fund to be known as the "Low-Level Radioactive Waste Facility
12 Development and Operation Fund". All monies within the
13 Low-Level Radioactive Waste Facility Development and Operation
14 Fund shall be invested by the State Treasurer in accordance
15 with established investment practices. Interest earned by such
16 investment shall be returned to the Low-Level Radioactive Waste
17 Facility Development and Operation Fund. Except as otherwise
18 provided in this subsection, the Department of Nuclear Safety
19 or its successor agency, the Illinois Emergency Management
20 Agency, shall deposit 80% of all receipts from the fees
21 required under subsections (a) and (b) of Section 13 in the
22 State Treasury to the credit of this Fund. Beginning July 1,
23 1997, and until December 31 of the year in which the Task Group
24 approves a proposed site under Section 10.3, the Department or
25 the Agency shall deposit all fees collected under subsections
26 (a) and (b) of Section 13 of this Act into the Fund. Subject to
27 appropriation, the Department or the Agency is authorized to
28 expend all moneys in the Fund in amounts it deems necessary
29 for:

30 (1) hiring personnel and any other operating and
31 contingent expenses necessary for the proper
32 administration of this Act;

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

35 (3) grants to the Central Midwest Interstate Low-Level

1 Radioactive Waste Commission;

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

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

7 (6) payment of fees in lieu of taxes to a local
8 government having within its boundaries a regional
9 disposal facility;

10 (7) payment of grants to counties or municipalities
11 under Section 12.1; and

12 (8) fulfillment of obligations under a community
13 agreement under Section 12.1.

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

35 (b) There is hereby created in the State Treasury a special
36 fund to be known as the "Low-Level Radioactive Waste Facility

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

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

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

26 (3) taking any remedial actions necessary to protect
27 human health and the environment from releases or
28 threatened releases of wastes from the regional disposal
29 facility;

30 (4) the purchase of facility and third-party liability
31 insurance necessary during the institutional control
32 period of the regional disposal facility;

33 (5) mitigating the impacts of the suspension or
34 interruption of the acceptance of waste for disposal;

35 (6) compensating any person suffering any damages or
36 losses to a person or property caused by a release from the

1 regional disposal facility as provided for in Section 15;
2 and

3 (7) fulfillment of obligations under a community
4 agreement under Section 12.1.

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

19 (c) (Blank).

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

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

32 (420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

33 Sec. 15. Compensation.

34 (a) Any person may apply to the Agency ~~Department~~ pursuant
35 to this Section for compensation of a loss caused by the

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

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

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

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

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

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

32 (c) The following losses shall be compensable under this
33 Section, provided that the Agency ~~Department~~ has found that the
34 claimant has established, by the weight of the evidence, that
35 the losses were proximately caused by the designated release
36 and are not otherwise compensable under law:

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

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

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

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

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

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

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

30 (g) Claims approved by the Director shall be paid from the
31 Low-Level Radioactive Waste Facility Closure, Post-Closure
32 Care and Compensation Fund, except that claims shall not be
33 paid in excess of the amount available in the Fund. In the case
34 of insufficient amounts in the Fund to satisfy claims against
35 the Fund, the General Assembly may appropriate monies to the
36 Fund in amounts it deems necessary to pay the claims.

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

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

3 Sec. 17. Penalties.

4 (a) Any person operating any facility in violation of
5 Section 8 shall be subject to a civil penalty not to exceed
6 \$100,000 per day of violation.

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

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

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

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

19 Sec. 18. Judicial review.

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

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

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

31 (420 ILCS 20/21.1) (from Ch. 111 1/2, par. 241-21.1)

32 Sec. 21.1. (a) For the purpose of conducting subsurface
33 surveys and other studies under this Act, officers and

1 employees of the Agency ~~Department~~ and officers and employees
2 of any person under contract or subcontract with the Agency
3 ~~Department~~ shall have the power to enter upon the lands or
4 waters of any person upon written notice to the known owners
5 and occupants, if any.

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

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

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

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