



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2646

Introduced 1/20/2006, by Sen. Susan Garrett

#### SYNOPSIS AS INTRODUCED:

420 ILCS 37/5  
420 ILCS 37/10  
420 ILCS 37/15

Amends the Radioactive Waste Tracking and Permitting Act to reflect the Illinois Emergency Management Agency's assumption of duties assigned to the Agency's predecessor, the Department of Nuclear Safety. Effective immediately.

LRB094 14567 RSP 49510 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 Radioactive Waste Tracking and Permitting  
5 Act is amended by changing Sections 5, 10, and 15 as follows:

6 (420 ILCS 37/5)

7 Sec. 5. Legislative findings.

8 (a) The General Assembly finds:

9 (1) that a considerable volume of wastes are produced  
10 in this State with even greater volumes to be produced in  
11 the future;

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

15 (3) that it is the obligation of the State of Illinois  
16 to its citizens to provide for the safe management of the  
17 wastes produced within its borders.

18 (b) It is the intent of this Act to authorize the  
19 Department of Nuclear Safety or its successor agency, the  
20 Illinois Emergency Management Agency, to establish, by  
21 regulation, a tracking system for the regulation of the use of  
22 facilities licensed under Section 8 of the Illinois Low-Level  
23 Radioactive Waste Management Act.

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

25 (420 ILCS 37/10)

26 Sec. 10. Definitions.

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

29 (b) (Blank). ~~"Director" means the Director of the~~  
30 ~~Department of Nuclear Safety.~~

31 (c) "Disposal" means the isolation of waste from the

1 biosphere in a permanent facility designed for that purpose.

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

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

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

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

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

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

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

32 (420 ILCS 37/15)

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

35 (a) Upon adoption of regulations under subsection (c) of

1 this Section, no person shall deposit any low-level radioactive  
2 waste at a storage, treatment, or disposal facility in Illinois  
3 licensed under Section 8 of the Illinois Low-Level Radioactive  
4 Waste Management Act without a permit granted by the Department  
5 of Nuclear Safety or by its successor agency, the Illinois  
6 Emergency Management Agency.

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

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

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

26 (e) A person who violates this Section or any regulation  
27 promulgated under this Section shall be subject to a civil  
28 penalty, not to exceed \$10,000, for each violation. Each day a  
29 violation continues shall constitute a separate offense. A  
30 person who fails to pay a civil penalty imposed by a regulation  
31 adopted under this Section, or any portion of the penalty, is  
32 liable in a civil action in an amount not to exceed 4 times the  
33 amount imposed and not paid. At the request of the Agency  
34 ~~Department~~, the Attorney General shall, on behalf of the State,  
35 bring an action for the recovery of any civil penalty provided  
36 for by this Section. Any civil penalties so recovered shall be

1 deposited in the Low-Level Radioactive Waste Facility Closure,  
2 Post-Closure Care and Compensation Fund.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.