

AN ACT concerning safety.

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

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

(420 ILCS 42/32)

Sec. 32. Limitations on groundwater and property use.

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

(a-5) The Agency may approve a request for license termination following adoption and implementation 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 any property downgradient from that property, provided that the ordinances are determined by the Agency to provide sufficient protection of public health and safety and the ordinances are in effect at the time of license termination.

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

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

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

(2) the excavation of soil from a portion of the property where elevated levels of the constituents are present in the excavated soil, unless the excavated soil is (i) disposed of in a facility licensed or permitted to dispose of that soil or (ii) returned to the approximate depth from which it was excavated and covered with an

equivalent cover.

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

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