

AN ACT concerning safety.

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

Section 5. The Illinois Low-Level Radioactive Waste Management Act is amended by changing Sections 3 and 4 as follows:

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

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

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

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

"Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

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

"Director" means the Director of the Agency.

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

"Facility" means a parcel of land or site, together with

structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste. "Facility" does not include lands, sites, structures, or equipment used by a generator in the generation of low-level radioactive wastes.

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

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

"High-level radioactive waste" means:

(1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material

derived from the liquid waste that contains fission products in sufficient concentrations; and

(2) the highly radioactive material that the Nuclear Regulatory Commission has determined, on July 21, 1988 (the effective date of Public Act 85-1133) ~~this Amendatory Act of 1988~~, to be high-level radioactive waste requiring permanent isolation.

"Low-level radioactive waste" or "waste" means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) byproduct material as defined in Sections 11e(2), 11e(3), and 11e(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2014). This definition shall apply notwithstanding any declaration by the federal government, a state, or any regulatory agency that any radioactive material is exempt from any regulatory control.

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

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

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

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

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

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

"Remedial action" means those actions taken in the event of a release or threatened release of low-level radioactive waste into the environment, to prevent or minimize the release of the waste so that it does not migrate to cause substantial

danger to present or future public health or welfare or the environment. The term includes, but is not limited to, actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released low-level radioactive wastes, recycling or reuse, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that these actions protect human health and the environment.

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

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

"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single site.

"Storage" means the temporary holding of waste for

treatment or disposal for a period determined by Agency regulations.

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

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

"Water treatment residuals" means biosolids, sludge, filter media, anthracite, scales, or other solids, either alone or as a component of liquid mixtures or solutions, that are technologically enhanced in combined radium concentration (radium-226, radium-228 or associated progeny) as a result of the treatment of water or sewage containing naturally occurring radium from groundwater.

(Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24; revised 7-30-24.)

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

Sec. 4. Generator and broker registration.

(a)(1) Except as provided in subsection (b), all generators of any amount of low-level radioactive waste in Illinois shall register with the Agency within 60 days of the commencement of generating any low-level radioactive wastes.

The registration shall be in a format prescribed by the Agency and shall contain all of the following: the name, address, and officers of the generator; information on the types of wastes produced or possessed; and any other information required by the Agency.

(2) All registered generators of any amount of low-level radioactive waste in Illinois shall file an annual report with the Agency. The annual report shall contain information on the types and quantities of low-level wastes produced in the previous year and expected to be produced in the future; the methods used to manage these wastes; the technological feasibility, economic reasonableness, and environmental soundness of alternative treatment, storage and disposal methods; and any other information required by the Agency.

(3) All brokers of any amount of low-level radioactive waste in Illinois shall register with the Agency within 60 days after the commencement of taking possession of any low-level radioactive waste. The registration shall be in a format prescribed by the Agency and shall contain the name, address, and officers of the broker and any other information required by the Agency.

(4) All registered brokers of any amount of low-level radioactive waste in Illinois shall file an annual report with the Agency. The annual report shall contain information on the types and quantities of low-level radioactive wastes received and shipped, identification of the generators from whom such

wastes were received, and the destination of shipments of such wastes.

(5) All registration forms and annual reports required to be filed with the Agency may be made available to the public for inspection and copying pursuant to the Freedom of Information Act.

(b) Generators who meet one of the following provisions are exempt from the registration requirements in paragraph (1) of subsection (a):

(1) A generator who stores waste containing or composed of radioactive material with a physical half-life of less than 120 days for decay-in-storage before disposal as normal waste or recycling without regard to its radioactivity provided a minimum of 10 half-lives have elapsed. This does not exempt the generator from any other State or federal requirements; or

(2) A generator of water treatment residuals that have a combined radium concentration of less than or equal to 200 picocuries per gram and who has registered pursuant to the Agency's regulatory program for water treatment residuals.

~~(a) All generators and brokers of any amount of low-level radioactive waste in Illinois shall register with the Agency. Generators shall register within 60 days of the commencement of generating any low-level radioactive wastes. Brokers shall register within 60 days of taking possession of any low level~~

~~radioactive waste. Such registration shall be on a form developed by the Agency and shall contain the name, address and officers of the generator or broker, information on the types and amounts of wastes produced or possessed and any other information required by the Agency.~~

~~(b) All registered generators and brokers of any amount of low level radioactive waste in Illinois shall file an annual report with the Agency. The annual report for generators shall contain information on the types and quantities of low level wastes produced in the previous year and expected to be produced in the future, the methods used to manage these wastes, the technological feasibility, economic reasonableness and environmental soundness of alternative treatment, storage and disposal methods and any other information required by the Agency. The annual report for brokers shall contain information on the types and quantities of low level radioactive wastes received and shipped, identification of the generators from whom such wastes were received, and the destination of shipments of such wastes.~~

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

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