

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 620
REGISTRATION OF LOW-LEVEL RADIOACTIVE WASTE GENERATORS

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AUTHORITY: Implementing and authorized by Sections 3 and 4 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 241-3 and 241-4).

SOURCE: Emergency rule at 8 Ill. Reg. 18519, effective September 20, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 2287, effective January 31, 1985; Emergency amendment at 9 Ill. Reg. 17433, effective October 25, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7818, effective April 29, 1986; Emergency amendment at 10 Ill. Reg. 21956, effective December 26, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 7646, effective April 9, 1987; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641.

Section 620.10 Definitions

As used in this Part, the following definitions shall apply:

"Act" means the Illinois Low-Level Radioactive Waste Management Act (The Act), (Ill. Rev. Stat. 1986 Supp., ch. 111½, pars. 241-1 et seq.).

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

"Department" means the Department of Nuclear Safety.

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

"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.

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

"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.

"Storage" means the holding of waste for treatment or disposal for a period of twenty-four hours or more.

"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, amendable to recovery, convertible to another usable material or reduced in volume.

"Waste" See: "Low-Level Radioactive Waste".

(Source: Amended at 11 Ill. Reg. 7646, effective April 9, 1987)

Section 620.20 Generator Registration

All generators shall register with the Department within 60 days of commencement of producing or possessing any quantity of low-level radioactive waste in Illinois. Registration shall be on a form developed by the Department and shall include: (Supp. Ill. Rev. Stat., 1983, ch. 111½, par. 241-4(a)).

- a) *name, address and officers of the generator, and*
- b) *the types and amount of wastes produced or possessed and to be produced or possessed.*

Section 620.25 Broker Registration

All existing brokers shall register with the Department within 180 days of the effective date of the amendatory Act of 1986. (The Act) (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 241-4(a)). New brokers shall register within 60 days of taking possession of any low-level radioactive waste or 180 days after the effective date of the amendatory Act, whichever is later. Registration shall be

on a form developed by the Department and shall include:

- a) *the name, address, and officers of the broker,*
- b) *the type and amount of low-level radioactive waste received by the broker for purposes of consolidation and shipment, and*
- c) *the name and address of each low-level radioactive waste generator from whom low-level radioactive waste has been received by the broker.*

(Source: Added at 11 Ill. Reg. 7646, effective April 9, 1987)

Section 620.30 Filing Of Annual Report by Generators

Each generator who has generated any low level waste during a given calendar year shall file an annual report with the Department. For the calendar year 1984, the annual report shall be submitted by March 1, 1985. For subsequent years, the annual report shall be submitted by February 1 as required by Ill. Rev. Stat 1986 Supp., Ch. 111½, par. 241-4(b). This report shall be on a form developed by the Department and shall include:

- a) the name, address and officers of the generator,
- b) *the types and amounts of waste produced or possessed during the prior calendar year,*
- c) *the types and amounts of waste expected to be produced or possessed during the next calendar year,*
- d) *waste stored during the prior calendar year, including types and amounts,*
- e) waste shipped during the prior calendar year including types, amounts, dates, destination and means of shipment,
- f) whether reports were filed with the Department and fees paid to the Department during the prior calendar year for waste stored,
- g) whether reports were filed with the Department and fees paid to the Department during the prior calendar year for waste shipped,
- h) whether any additional waste was stored and not reported to the Department,
- i) whether any additional waste was shipped and not reported to the Department,
- j) *methods used to treat, store, and dispose of waste,*
- k) *technological feasibility, economic reasonableness and environmental soundness*

of alternative treatment, storage and disposal methods,

- l) name and address of broker(s) used, and
- m) the names of such disposal sites if direct shipments to disposal sites were made.

(Source: Amended at 11 Ill. Reg. 7646, effective April 9, 1987)

Section 620.35 Filing of Annual Reports by Brokers

Each broker who has taken possession of any low-level radioactive waste during a given calendar year shall file an annual report with the Department. The first annual report shall be for calendar year 1986, and shall be submitted by February 1, 1987 or 45 days after registering with the Department, whichever is later. For subsequent years, the annual report shall be submitted by February 1. This report shall be on a form developed by the Department or, by electronic means (e.g. computer diskette, on-line computer communication) that are compatible with the Department's computer capabilities. The report shall include:

- a) the name, address and officers of the broker.
- b) for waste shipped to disposal sites outside Illinois during the prior year, the disposal manifest information kept pursuant to 32 Ill. Adm. Code 340.3110. The original generator name and address and waste volume for each generator must be given for each shipment.
- c) for waste permanently disposed of in Illinois during the prior year, in addition to the manifest information described in subsection (b), the types, amounts, dates disposed of and disposal method(s).
- d) for each shipment of waste received, the name and address of the generator from whom the waste was received and the volume and type of waste received.
- e) for waste shipped for storage or treatment, the name and address of the entity to whom the waste is shipped and the volume and type of waste shipped.

(Source: Added at 11 Ill. Reg. 7646, effective April 9, 1987)

Section 620.40 Payment of Fees for Waste Storage

- a) Generators which have stored any quantity of waste for shipment at a later date shall pay a fee to the Department in accordance with the following:
 - 1) For waste stored between September 8, 1984, and December 31, 1984, for shipment at a later date, a fee shall be paid to the Department by no later than January 31, 1985. The fee shall be in the amount of \$2 per cubic foot of all such waste stored for shipment.

- 2) For waste stored on or after January 1, 1985, but before October 1, 1985, for shipment at a later date, fees shall be paid to the Department quarterly by any generator which has stored 100 cubic feet or more of waste during the prior quarter or since filing its last report with the Department. These fees shall be paid by May 1, August 1 and November 1, 1985. A fee shall be paid by February 1, 1986 by any generator which has stored less than 100 cubic feet of waste during this period. The fee shall be in the amount of \$2 per cubic foot of all such waste stored for shipment.
 - 3) For waste stored between October 1, 1985, and December 31, 1985, for shipment at a later date, a fee shall be paid to the Department by no later than February 1, 1986. The fee shall be in the amount of \$3 per cubic foot of all such waste stored during this period.
 - 4) For waste stored on or after January 1, 1986, for shipment at a later date, a fee shall be paid to the Department annually by no later than February 1 of the subsequent calendar year. The fee shall be in the amount of \$3 per cubic foot of all such waste stored for shipment.
- b) The fee shall be accompanied by a completed form prescribed by the Department which identifies the types and amounts of waste stored during that period. Generators shall be responsible for reporting and paying all fees due and owing in accordance with this Section, except as provided in Sections 620.60 and 620.70.

(Source: Amended at 10 Ill. Reg. 7818, effective April 29, 1986)

Section 620.50 Payment of Fees for Waste Shipped

- a) Generators which have shipped any quantity waste for storage, disposal or treatment shall pay a fee to the Department in accordance with the following:
- 1) For waste shipped between December 13, 1983 and September 7, 1984, a fee shall be paid to the Department by no later than December 1, 1984. The fee for all such waste shipped between December 13, 1983 and September 7, 1984 shall be in the amount of \$1 per cubic foot of waste shipped.
 - 2) For waste shipped between September 8, 1984 and December 31, 1984, a fee shall be paid to the Department by no later than February 1, 1985. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 8, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had not been stored prior to September 8, 1984, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.

- 3) For waste shipped on or after January 1, 1985, but before October 1, 1985, fees shall be paid to the Department quarterly by any generator which has shipped 100 cubic feet or more of waste during the prior quarter or since filing its last report with the Department. These fees shall be paid by May 1, August 1 and November 1 1985. A fee shall be paid by February 1, 1986, by any generator which has shipped less than 100 cubic feet of waste during this period. The fee shall be in the amount of \$1 per cubic foot for waste which has been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which has not been stored prior to September 7, 1984, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.
 - 4) For waste shipped between October 1, 1985, and December 31, 1985, a fee shall be paid to the Department by no later than February 1, 1986. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had been stored between September 7, 1984, and October 1, 1985. The fee shall be in the amount of \$3 per cubic foot for waste which has been stored on or after October 1, 1985, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.
 - 5) For waste shipped on or after January 1, 1986, a fee shall be paid to the Department annually by no later than February 1 of the subsequent calendar year. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had been stored between September 7, 1984, and October 1, 1985. The fee shall be in the amount of \$3 per cubic foot for waste which had been stored on or after October 1, 1985, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.
- b) The fee shall be accompanied by a completed form prescribed by the Department which identifies the types and amount of waste shipped during that period. Generators shall be responsible for reporting and paying all fees due and owing in accordance with this Section, except as provided in Sections 620.60 and 620.70.

(Source: Amended at 10 Ill. Reg. 7818, effective April 29, 1986)

Section 620.60 Payment of Fees – Small Generators

Effective October 1, 1985, any generator of low-level radioactive waste which was not subject to fees in the amount of at least \$50 for waste stored and shipped during a given calendar year in

accordance with Section 620.40 and 620.50, shall pay a fee in the amount of \$50 for that calendar year to the Department. Such fee shall be payable annually by February 1 of the subsequent calendar year.

(Source: Former Section 620.60 renumbered to Section 620.80, New Section 620.60 adopted at 10 Ill. Reg. 7818, effective April 29, 1986)

Section 620.70 Payment of Fees – Nuclear Power Reactors

Effective January 1, 1986, the owner of any nuclear power reactor in Illinois for which an operating license has been issued by the Nuclear Regulatory Commission shall be *required to pay an annual fee of \$90,000 for the treatment, storage and disposal of low-level radioactive waste. Such fees shall be due and payable on January 1st of each year, beginning January 1, 1986.* (P.A. 84-496, effective October 1, 1985.)

(Source: Former Section 620.70 renumbered to Section 620.90, New Section 620.70 adopted at 10 Ill. Reg. 7818, effective April 29, 1986)

Section 620.80 Non-Compliance with Registration and Filing of Reports

If any person fails or refuses to register with the Department, to file required reports with the Department, or to pay the required fees, the Department shall notify the person by registered mail that he has thirty (30) days to respond, after which the Department will refer the case to the Attorney General. *Any person failing to pay the fees shall be liable to a civil penalty not to exceed four times the amount of the fees not paid.* (Ill. Rev. Stat., 1984 Supp., ch. 111½, par. 241-17(c)).

(Source: Renumbered from Section 620.60 and amended at 10 Ill. Reg. 7818, effective April 29, 1986)

Section 620.90 Deposit of Fees

The Department shall deposit 80% of all fees collected under this Part in the State Treasury to the credit of the Low-Level Radioactive Waste Facility Development and Operation Fund. The Department shall deposit 20% of all such fees collected in the State Treasury to the credit of the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.

(Source: Renumbered from Section 620.70 at 10 Ill. Reg. 7818, effective April 29, 1986)