

1 AN ACT concerning radioactive waste storage.

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 13 and 14 as
6 follows:

7 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

8 Sec. 13. Waste fees.

9 (a) The Department shall collect a fee from each
10 generator of low-level radioactive wastes in this State.
11 Except as provided in subsections (b), (c), and (d), the
12 amount of the fee shall be \$50.00 or the following amount,
13 whichever is greater:

14 (1) \$1 per cubic foot of waste shipped for storage,
15 treatment or disposal if storage of the waste for
16 shipment occurred prior to September 7, 1984;

17 (2) \$2 per cubic foot of waste stored for shipment
18 if storage of the waste occurs on or after September 7,
19 1984, but prior to October 1, 1985;

20 (3) \$3 per cubic foot of waste stored for shipment
21 if storage of the waste occurs on or after October 1,
22 1985;

23 (4) \$2 per cubic foot of waste shipped for storage,
24 treatment or disposal if storage of the waste for
25 shipment occurs on or after September 7, 1984 but prior
26 to October 1, 1985, provided that no fee has been
27 collected previously for storage of the waste;

28 (5) \$3 per cubic foot of waste shipped for storage,
29 treatment or disposal if storage of the waste for
30 shipment occurs on or after October 1, 1985, provided
31 that no fees have been collected previously for storage

1 of the waste.

2 Such fees shall be collected annually or as determined by
3 the Department and shall be deposited in the low-level
4 radioactive waste funds as provided in Section 14 of this
5 Act. Notwithstanding any other provision of this Act, no fee
6 under this Section shall be collected from a generator for
7 waste generated incident to manufacturing before December 31,
8 1980, and shipped for disposal outside of this State before
9 December 31, 1992, as part of a site reclamation leading to
10 license termination.

11 (b) Each nuclear power reactor in this State for which
12 an operating license has been issued by the Nuclear
13 Regulatory Commission shall not be subject to the fee
14 required by subsection (a) with respect to (1) waste stored
15 for shipment if storage of the waste occurs on or after
16 January 1, 1986; and (2) waste shipped for storage, treatment
17 or disposal if storage of the waste for shipment occurs on or
18 after January 1, 1986. In lieu of the fee, each reactor
19 shall be required to pay an annual fee as provided in this
20 subsection of \$90,000 for the treatment, storage and disposal
21 of low-level radioactive waste. Beginning with State fiscal
22 year 1986 and through State fiscal year 1997, fees shall be
23 due and payable on January 1st of each year. For State fiscal
24 year 1998 and all subsequent State fiscal years, fees shall
25 be due and payable on July 1 of each fiscal year. The fee
26 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.

29 ~~After September 15, 1987, for each nuclear power reactor~~
30 ~~for which an operating license is issued after January 1, the~~
31 ~~owner of each such reactor shall be required to pay for the~~
32 ~~year in which the operating license is issued a prorated fee~~
33 ~~equal to \$246.57 multiplied by the number of days in the year~~
34 ~~during which the nuclear power reactor will be licensed. The~~

1 prorated--fee--shall--be--due--and--payable-30-days-after-the
2 operating-license-is-issued.

3 The owner of any nuclear power reactor that has an
4 operating license issued by the Nuclear Regulatory Commission
5 for any portion of State fiscal year 1998 shall continue to
6 pay an annual fee of \$90,000 for the treatment, storage, and
7 disposal of low-level radioactive waste through State fiscal
8 year 2002 2003. The fee shall be due and payable on July 1
9 of each fiscal year. The fee due on July 1, 1998 shall be
10 payable on that date, or within 10 days after the effective
11 date of this amendatory Act of 1998, whichever is later. If
12 the balance in the Low-Level Radioactive Waste Facility
13 Development and Operation Fund falls below \$500,000, as of
14 the end of any fiscal year after fiscal year 2002, the
15 Department is authorized to assess by rule, after notice and
16 a hearing, an additional annual fee to be paid by the owners
17 of nuclear power reactors for which operating licenses have
18 been issued by the Nuclear Regulatory Commission. The
19 additional annual fee shall be payable on the date or dates
20 specified by rule and shall not exceed \$30,000 per operating
21 reactor per year.

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

31 The fee shall be due and payable as follows: in fiscal
32 year 1988, \$204,000 shall be paid on October 1, 1987 and
33 \$102,000 shall be paid on each of January 1, 1988 and April
34 1, 1988; in fiscal year 1989, \$102,000 shall be paid on each

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

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

16 (d) In addition to the fees imposed in subsections (b)
17 and (c), the owners of nuclear power reactors in this State
18 for which operating licenses have been issued by the Nuclear
19 Regulatory Commission shall pay the following fees for each
20 such nuclear power reactor: for State fiscal year 1989,
21 \$325,000 payable on October 1, 1988, \$162,500 payable on
22 January 1, 1989, and \$162,500 payable on April 1, 1989; for
23 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
24 payable on October 1, \$300,000 payable on January 1 and
25 \$300,000 payable on April 1; for State fiscal year 1991,
26 either (1) \$150,000 payable on July 1, \$650,000 payable on
27 September 1, \$675,000 payable on January 1, and \$275,000
28 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on
29 the first day of each month from August through December,
30 \$225,000 on the first day of each month from January through
31 March and \$92,000 on the first day of each month from April
32 through June; for State fiscal year 1992, \$260,000 payable on
33 July 1, \$900,000 payable on September 1, \$300,000 payable on
34 October 1, \$150,000 payable on January 1, and \$100,000

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

33 All of the amounts collected by the Department under this
34 subsection (d) shall be deposited into the Low-Level

1 Radioactive Waste Facility Development and Operation Fund
2 created pursuant to subsection (a) of Section 14 of this Act
3 and expended, subject to appropriation, for the purposes
4 provided in that subsection.

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

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

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

17 (2) the form and submission of reports to accompany
18 the payment of fees to the Department; and

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

22 (f) Any operating agreement entered into under
23 subsection (b) of Section 5 of this Act between the
24 Department and any disposal facility contractor shall,
25 subject to the provisions of this Act, authorize the
26 contractor to impose upon and collect from persons using the
27 disposal facility fees designed and set at levels reasonably
28 calculated to produce sufficient revenues (1) to pay all
29 costs and expenses properly incurred or accrued in
30 connection with, and properly allocated to, performance of
31 the contractor's obligations under the operating agreement,
32 and (2) to provide reasonable and appropriate compensation or
33 profit to the contractor under the operating agreement. For
34 purposes of this subsection (f), the term "costs and

1 expenses" may include, without limitation, (i) direct and
 2 indirect costs and expenses for labor, services, equipment,
 3 materials, insurance and other risk management costs,
 4 interest and other financing charges, and taxes or fees in
 5 lieu of taxes; (ii) payments to or required by the United
 6 States, the State of Illinois or any agency or department
 7 thereof, the Central Midwest Interstate Low-Level Radioactive
 8 Waste Compact, and subject to the provisions of this Act, any
 9 unit of local government; (iii) amortization of capitalized
 10 costs with respect to the disposal facility and its
 11 development, including any capitalized reserves; and (iv)
 12 payments with respect to reserves, accounts, escrows or trust
 13 funds required by law or otherwise provided for under the
 14 operating agreement.

15 (g) (Blank).

16 (h) (Blank).

17 (i) (Blank).

18 (j) (Blank).

19 (j-5) Prior to commencement of facility operations, the
 20 Department shall adopt rules providing for the establishment
 21 and collection of fees and charges with respect to the use of
 22 the disposal facility as provided in subsection (f) of this
 23 Section.

24 (k) The regional disposal facility shall be subject to
 25 ad valorem real estate taxes lawfully imposed by units of
 26 local government and school districts with jurisdiction over
 27 the facility. No other local government tax, surtax, fee or
 28 other charge on activities at the regional disposal facility
 29 shall be allowed except as authorized by the Department.

30 (l) The Department shall have the power, in the event
 31 that acceptance of waste for disposal at the regional
 32 disposal facility is suspended, delayed or interrupted, to
 33 impose emergency fees on the generators of low-level
 34 radioactive waste. Generators shall pay emergency fees

1 within 30 days of receipt of notice of the emergency fees.
 2 The Department shall deposit all of the receipts of any fees
 3 collected under this subsection into the Low-Level
 4 Radioactive Waste Facility Development and Operation Fund
 5 created under subsection (b) of Section 14. Emergency fees
 6 may be used to mitigate the impacts of the suspension or
 7 interruption of acceptance of waste for disposal. The
 8 requirements for rulemaking in the Illinois Administrative
 9 Procedure Act shall not apply to the imposition of emergency
 10 fees under this subsection.

11 (m) The Department shall promulgate any other rules and
 12 regulations as may be necessary to implement this Section.
 13 (Source: P.A. 90-29, eff. 6-26-97; 90-601, eff. 6-26-98;
 14 90-655, eff. 7-30-98.)

15 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)
 16 Sec. 14. Waste management funds.

17 (a) There is hereby created in the State Treasury a
 18 special fund to be known as the "Low-Level Radioactive Waste
 19 Facility Development and Operation Fund". All monies within
 20 the Low-Level Radioactive Waste Facility Development and
 21 Operation Fund shall be invested by the State Treasurer in
 22 accordance with established investment practices. Interest
 23 earned by such investment shall be returned to the Low-Level
 24 Radioactive Waste Facility Development and Operation Fund.
 25 Except as otherwise provided in this subsection, the
 26 Department shall deposit 80% of all receipts from the fees
 27 required under subsections (a) and (b) of Section 13 in the
 28 State Treasury to the credit of this Fund. Beginning July 1,
 29 1997, and until December 31 of the year in which the Task
 30 Group approves a proposed site under Section 10.3, the
 31 Department shall deposit all fees collected under subsections
 32 (a) and (b) of Section 13 of this Act into the Fund. Subject
 33 to appropriation, the Department is authorized to expend all

1 moneys in the Fund in amounts it deems necessary for:

2 (1) hiring personnel and any other operating and
3 contingent expenses necessary for the proper
4 administration of this Act;

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

7 (3) grants to the Central Midwest Interstate
8 Low-Level Radioactive Waste Commission {blank};

9 (4) hiring personnel, contracting with any person,
10 and meeting any other expenses incurred by the Department
11 in fulfilling its responsibilities under the Radioactive
12 Waste Compact Enforcement Act;

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

14 (6) payment of fees in lieu of taxes to a local
15 government having within its boundaries a regional
16 disposal facility;

17 (7) payment of grants to counties or municipalities
18 under Section 12.1; and

19 (8) fulfillment of obligations under a community
20 agreement under Section 12.1.

21 In spending monies pursuant to such appropriations, the
22 Department shall to the extent practicable avoid duplicating
23 expenditures made by any firm pursuant to a contract awarded
24 under this Section. On or before March 1, 1989 and on or
25 before October 1 of 1989, 1990, 1991, 1992, and 1993, the
26 Department shall deliver to the Governor, the President and
27 Minority Leader of the Senate, the Speaker and Minority
28 Leader of the House, and each of the generators that have
29 contributed during the preceding State fiscal year to the
30 Low-Level Radioactive Waste Facility Development and
31 Operation Fund a financial statement, certified and verified
32 by the Director, which details all receipts and expenditures
33 from the fund during the preceding State fiscal year;
34 provided that the report due on or before March 1, 1989 shall

1 detail all receipts and expenditures from the fund during the
2 period from July 1, 1988 through January 31, 1989. The
3 financial statements shall identify all sources of income to
4 the fund and all recipients of expenditures from the fund,
5 shall specify the amounts of all the income and expenditures,
6 and shall indicate the amounts of all the income and
7 expenditures, and shall indicate the purpose for all
8 expenditures.

9 (b) There is hereby created in the State Treasury a
10 special fund to be known as the "Low-Level Radioactive Waste
11 Facility Closure, Post-Closure Care and Compensation Fund".
12 All monies within the Low-Level Radioactive Waste Facility
13 Closure, Post-Closure Care and Compensation Fund shall be
14 invested by the State Treasurer in accordance with
15 established investment practices. Interest earned by such
16 investment shall be returned to the Low-Level Radioactive
17 Waste Facility Closure, Post-Closure Care and Compensation
18 Fund. The Department shall deposit 20% of all receipts from
19 the fees required under subsections (a) and (b) of Section 13
20 of this Act in the State Treasury to the credit of this Fund,
21 except that, pursuant to subsection (a) of Section 14 of this
22 Act, there shall be no such deposit into this Fund between
23 July 1, 1997 and December 31 of the year in which the Task
24 Group approves a proposed site pursuant to Section 10.3 of
25 this Act. All deposits into this Fund shall be held by the
26 State Treasurer separate and apart from all public money or
27 funds of this State. Subject to appropriation, the
28 Department is authorized to expend any moneys in this Fund in
29 amounts it deems necessary for:

- 30 (1) decommissioning and other procedures required
31 for the proper closure of the regional disposal facility;
32 (2) monitoring, inspecting, and other procedures
33 required for the proper closure, decommissioning, and
34 post-closure care of the regional disposal facility;

1 (3) taking any remedial actions necessary to
 2 protect human health and the environment from releases or
 3 threatened releases of wastes from the regional disposal
 4 facility;

5 (4) the purchase of facility and third-party
 6 liability insurance necessary during the institutional
 7 control period of the regional disposal facility;

8 (5) mitigating the impacts of the suspension or
 9 interruption of the acceptance of waste for disposal;

10 (6) compensating any person suffering any damages
 11 or losses to a person or property caused by a release
 12 from the regional disposal facility as provided for in
 13 Section 15; and

14 (7) fulfillment of obligations under a community
 15 agreement under Section 12.1.

16 On or before March 1 of each year, the Department shall
 17 deliver to the Governor, the President and Minority Leader of
 18 the Senate, the Speaker and Minority Leader of the House, and
 19 each of the generators that have contributed during the
 20 preceding State fiscal year to the Fund a financial
 21 statement, certified and verified by the Director, which
 22 details all receipts and expenditures from the Fund during
 23 the preceding State fiscal year. The financial statements
 24 shall identify all sources of income to the Fund and all
 25 recipients of expenditures from the Fund, shall specify the
 26 amounts of all the income and expenditures, and shall
 27 indicate the amounts of all the income and expenditures, and
 28 shall indicate the purpose for all expenditures.

29 (c) (Blank). ~~Monies-in-the-Low-Level--Radioactive--Waste~~
 30 ~~Facility--Closure,--Post-Closure--Care--and-Compensation-Fund~~
 31 ~~shall-be-invested--by--the--State--Treasurer--in--the--manner~~
 32 ~~required--by--law--of--other--State-monies,-provided-that-any~~
 33 ~~interest-accruing-as-a-result-of-the-investment-shall--accrue~~
 34 ~~to-this-special-Fund.~~

1 (d) The Department may accept for any of its purposes
2 and functions any donations, grants of money, equipment,
3 supplies, materials, and services from any state or the
4 United States, or from any institution, person, firm or
5 corporation. Any donation or grant of money received after
6 January 1, 1986 shall be deposited in either the Low-Level
7 Radioactive Waste Facility Development and Operation Fund or
8 the Low-Level Radioactive Waste Facility Closure,
9 Post-Closure Care and Compensation Fund, in accordance with
10 the purpose of the grant.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.