

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 Section 13 as follows:

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

Sec. 13. Waste fees.

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

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

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

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

(4) \$2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October

1, 1985, provided that no fee has been collected previously for storage of the waste;

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

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

Units of local government are exempt from the fee provisions of this subsection.

(b) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection for the treatment,

storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of \$90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below \$500,000, as of the end of any fiscal year after fiscal year 2002, the Agency is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005 or the end of fiscal year 2006. The additional

annual fee shall be payable on the date or dates specified by rule and shall not exceed \$30,000 per operating reactor per year.

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

The fee shall be due and payable as follows: in fiscal year 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, \$102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, \$102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Agency under this

subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, \$325,000 payable on October 1, 1988, \$162,500 payable on January 1, 1989, and \$162,500 payable on April 1, 1989; for State fiscal year 1990, \$162,500 payable on July 1, \$300,000 payable on October 1, \$300,000 payable on January 1 and \$300,000 payable on April 1; for State fiscal year 1991, either (1) \$150,000 payable on July 1, \$650,000 payable on September 1, \$675,000 payable on January 1, and \$275,000 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each month from August through December, \$225,000 on the first day of each month from January through March and \$92,000 on the first day of each month from April through June; for State fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable on September 1, \$300,000 payable on October 1, \$150,000 payable on January 1, and \$100,000 payable on April 1; for State fiscal year 1993, \$100,000 payable on July 1, \$230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is

later, and \$355,000 payable on October 1; for State fiscal year 1994, \$100,000 payable on July 1, \$75,000 payable on October 1 and \$75,000 payable on April 1; for State fiscal year 1995, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1, for State fiscal year 1996, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of \$30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of \$30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due before the effective date of this

amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

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

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

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

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

(2) the form and submission of reports to accompany the payment of fees to the Agency; and

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

(f) Any operating agreement entered into under subsection

(b) of Section 5 of this Act between the Agency and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).



(h) (Blank).

(i) (Blank).

(j) (Blank).

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

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

(l) The Agency shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Department shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois

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Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Agency shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 94-91, eff. 7-1-05; 95-777, eff. 8-4-08.)

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