

HB2818



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2818

Introduced 2/18/2011, by Rep. Tom Cross - JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

420 ILCS 20/13

from Ch. 111 1/2, par. 241-13

Amends the Illinois Low-Level Radioactive Waste Management Act. Makes a technical change in a provision concerning waste fees.

LRB097 08886 JDS 49016 b

A BILL FOR

1 AN ACT concerning safety.

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 Section 13 as follows:

6 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

7 Sec. 13. Waste fees.

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

13 (1) \$1 per cubic foot of waste shipped for storage,
14 treatment or disposal if storage of the waste for shipment
15 occurred prior to September 7, 1984;

16 (2) \$2 per cubic foot of waste stored for shipment if
17 storage of the waste occurs on or after September 7, 1984,
18 but prior to October 1, 1985;

19 (3) \$3 per cubic foot of waste stored for shipment if
20 storage of the waste occurs on or after October 1, 1985;

21 (4) \$2 per cubic foot of waste shipped for storage,
22 treatment or disposal if storage of the waste for shipment
23 occurs on or after September 7, 1984 but prior to October

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

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

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

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

1 fees shall be due and payable on January 1st of each year. For
2 State fiscal year 1998 and all subsequent State fiscal years,
3 fees shall be due and payable on July 1 of each fiscal year.
4 The fee due on July 1, 1997 shall be payable on that date, or
5 within 10 days after the effective date of this amendatory Act
6 of 1997, whichever is later.

7 The owner of any nuclear power reactor that has an
8 operating license issued by the Nuclear Regulatory Commission
9 for any portion of State fiscal year 1998 shall continue to pay
10 an annual fee of \$90,000 for the treatment, storage, and
11 disposal of low-level radioactive waste through State fiscal
12 year 2002. The fee shall be due and payable on July 1 of each
13 fiscal year. The fee due on July 1, 1998 shall be payable on
14 that date, or within 10 days after the effective date of this
15 amendatory Act of 1998, whichever is later. If the balance in
16 the Low-Level Radioactive Waste Facility Development and
17 Operation Fund falls below \$500,000, as of the end of any
18 fiscal year after fiscal year 2002, the Agency is authorized to
19 assess by rule, after notice and a hearing, an additional
20 annual fee to be paid by the owners of nuclear power reactors
21 for which operating licenses have been issued by the Nuclear
22 Regulatory Commission, except that no additional annual fee
23 shall be assessed because of the fund balance at the end of
24 fiscal year 2005 or the end of fiscal year 2006. The additional
25 annual fee shall be payable on the date or dates specified by
26 rule and shall not exceed \$30,000 per operating reactor per

1 year.

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

11 The fee shall be due and payable as follows: in fiscal year
12 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
13 shall be paid on each of January 1, 1988 and April 1, 1988; in
14 fiscal year 1989, \$102,000 shall be paid on each of July 1,
15 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
16 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
17 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
18 the operating license is issued during one of the 3 fiscal
19 years, the owner shall be subject to those payment dates, and
20 their corresponding amounts, on which the owner possesses an
21 operating license and, on June 30 of the fiscal year of
22 issuance of the license, whatever amount of the prorated fee
23 remains outstanding.

24 All of the amounts collected by the Agency under this
25 subsection (c) shall be deposited into the Low-Level
26 Radioactive Waste Facility Development and Operation Fund

1 created under subsection (a) of Section 14 of this Act and
2 expended, subject to appropriation, for the purposes provided
3 in that subsection.

4 (d) In addition to the fees imposed in subsections (b) and
5 (c), the owners of nuclear power reactors in this State for
6 which operating licenses have been issued by the Nuclear
7 Regulatory Commission shall pay the following fees for each
8 such nuclear power reactor: for State fiscal year 1989,
9 \$325,000 payable on October 1, 1988, \$162,500 payable on
10 January 1, 1989, and \$162,500 payable on April 1, 1989; for
11 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
12 payable on October 1, \$300,000 payable on January 1 and
13 \$300,000 payable on April 1; for State fiscal year 1991, either
14 (1) \$150,000 payable on July 1, \$650,000 payable on September
15 1, \$675,000 payable on January 1, and \$275,000 payable on April
16 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
17 month from August through December, \$225,000 on the first day
18 of each month from January through March and \$92,000 on the
19 first day of each month from April through June; for State
20 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
21 on September 1, \$300,000 payable on October 1, \$150,000 payable
22 on January 1, and \$100,000 payable on April 1; for State fiscal
23 year 1993, \$100,000 payable on July 1, \$230,000 payable on
24 August 1 or within 10 days after July 31, 1992, whichever is
25 later, and \$355,000 payable on October 1; for State fiscal year
26 1994, \$100,000 payable on July 1, \$75,000 payable on October 1

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

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

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

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

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

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

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

24 (f) Any operating agreement entered into under subsection
25 (b) of Section 5 of this Act between the Agency and any
26 disposal facility contractor shall, subject to the provisions

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

24 (g) (Blank).

25 (h) (Blank).

26 (i) (Blank).

1 (j) (Blank).

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

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

13 (l) The Agency shall have the power, in the event that
14 acceptance of waste for disposal at the regional disposal
15 facility is suspended, delayed or interrupted, to impose
16 emergency fees on the generators of low-level radioactive
17 waste. Generators shall pay emergency fees within 30 days of
18 receipt of notice of the emergency fees. The Department shall
19 deposit all of the receipts of any fees collected under this
20 subsection into the Low-Level Radioactive Waste Facility
21 Development and Operation Fund created under subsection (b) of
22 Section 14. Emergency fees may be used to mitigate the impacts
23 of the suspension or interruption of acceptance of waste for
24 disposal. The requirements for rulemaking in the Illinois
25 Administrative Procedure Act shall not apply to the imposition
26 of emergency fees under this subsection.

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

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