



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1488

Introduced 2/9/2017, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

420 ILCS 20/10.2	from Ch. 111 1/2, par. 241-10.2
420 ILCS 20/10.3	from Ch. 111 1/2, par. 241-10.3
420 ILCS 20/12.1	from Ch. 111 1/2, par. 241-12.1
420 ILCS 20/14	from Ch. 111 1/2, par. 241-14

Amends the Illinois Low-Level Radioactive Waste Management Act. Abolishes the Low-Level Radioactive Waste Task Group and makes corresponding changes including removing provisions concerning the adoption of criteria for selection of a site for a regional disposal facility.

LRB100 08190 MJP 18286 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 10.2, 10.3,
6 12.1, and 14 as follows:

7 (420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

8 Sec. 10.2. Selection ~~Creation of Low-Level Radioactive~~
9 ~~Waste Task Group; adoption of criteria; selection of site for~~
10 ~~characterization.~~

11 (a) (Blank). ~~There is hereby created the Low-Level~~
12 ~~Radioactive Waste Task Group consisting of the Directors of the~~
13 ~~Environmental Protection Agency, the Department of Natural~~
14 ~~Resources, and the Illinois Emergency Management Agency (or~~
15 ~~their designees) and 6 additional members designated by the~~
16 ~~Governor. The 6 additional members shall:~~

17 ~~(1) be confirmed by the Senate; and~~

18 ~~(2) receive compensation of \$300 per day for their~~
19 ~~services on the Task Group unless they are officers or~~
20 ~~employees of the State, in which case they shall receive no~~
21 ~~additional compensation.~~

22 ~~Four of the additional members shall have expertise in the~~
23 ~~field of geology, hydrogeology, or hydrology. Of the 2~~

1 ~~remaining additional members, one shall be a member of the~~
2 ~~public with experience in environmental matters and one shall~~
3 ~~have at least 5 years experience in local government. The~~
4 ~~Directors of the Environmental Protection Agency, the~~
5 ~~Department of Natural Resources, and the Illinois Emergency~~
6 ~~Management Agency (or their designees) shall receive no~~
7 ~~additional compensation for their service on the Task Group.~~
8 ~~All members of the Task Group shall be compensated for their~~
9 ~~expenses. The Governor shall designate the chairman of the Task~~
10 ~~Group. Upon adoption of the criteria under subsection (b) of~~
11 ~~this Section, the Directors of the Illinois Emergency~~
12 ~~Management Agency and the Environmental Protection Agency~~
13 ~~shall be replaced on the Task Group by members designated by~~
14 ~~the Governor and confirmed by the Senate. The members~~
15 ~~designated to replace the Directors of the Illinois Emergency~~
16 ~~Management Agency and the Environmental Protection Agency~~
17 ~~shall have such expertise as the Governor may determine. The~~
18 ~~members of the Task Group shall be members until they resign,~~
19 ~~are replaced by the Governor, or the Task Group is abolished.~~
20 ~~Except as provided in this Act, the Task Group shall be subject~~
21 ~~to the Open Meetings Act and the Illinois Administrative~~
22 ~~Procedure Act. Any action required to be taken by the Task~~
23 ~~Group under this Act shall be taken by a majority vote of its~~
24 ~~members. An identical vote by 5 members of the Task Group shall~~
25 ~~constitute a majority vote.~~

26 (b) (Blank). ~~To protect the public health, safety and~~

1 ~~welfare, the Task Group shall develop proposed criteria for~~
2 ~~selection of a site for a regional disposal facility. Principal~~
3 ~~criteria shall relate to the geographic, geologic,~~
4 ~~seismologic, tectonic, hydrologic, and other scientific~~
5 ~~conditions best suited for a regional disposal facility.~~
6 ~~Supplemental criteria may relate to land use (including (i) the~~
7 ~~location of existing underground mines and (ii) the exclusion~~
8 ~~of State parks, State conservation areas, and other State owned~~
9 ~~lands identified by the Task Group), economics,~~
10 ~~transportation, meteorology, and any other matter identified~~
11 ~~by the Task Group as relating to desirable conditions for a~~
12 ~~regional disposal facility. All of the criteria shall be as~~
13 ~~specific as possible.~~

14 ~~The chairman of the Task Group shall publish a notice of~~
15 ~~availability of the proposed criteria in the State newspaper,~~
16 ~~make copies of the proposed criteria available without charge~~
17 ~~to the public, and hold public hearings to receive comments on~~
18 ~~the proposed criteria. Written comments on the proposed~~
19 ~~criteria may be submitted to the chairman of the Task Group~~
20 ~~within a time period to be determined by the Task Group. Upon~~
21 ~~completion of the review of timely submitted comments on the~~
22 ~~proposed criteria, the Task Group shall adopt criteria for~~
23 ~~selection of a site for a regional disposal facility. Adoption~~
24 ~~of the criteria is not subject to the Illinois Administrative~~
25 ~~Procedure Act. The chairman of the Task Group shall provide~~
26 ~~copies of the criteria to the Governor, the President and~~

1 ~~Minority Leader of the Senate, the Speaker and Minority Leader~~
2 ~~of the House, and all county boards in the State of Illinois~~
3 ~~and shall make copies of the criteria available without charge~~
4 ~~to the public.~~

5 (c) (Blank). ~~Upon adoption of the criteria, the Director of~~
6 ~~Natural Resources shall direct the Scientific Surveys to screen~~
7 ~~the State of Illinois. By September 30, 1997, the Scientific~~
8 ~~Surveys shall (i) complete a Statewide screening of the State~~
9 ~~using available information and the Surveys' geography based~~
10 ~~information system to produce individual and composite maps~~
11 ~~showing the application of individual criteria; (ii) complete~~
12 ~~the evaluation of all land volunteered before the effective~~
13 ~~date of this amendatory Act of 1997 to determine whether any of~~
14 ~~the volunteered land appears likely to satisfy the criteria;~~
15 ~~(iii) document the results of the screening and volunteer site~~
16 ~~evaluations in a written report and submit the report to the~~
17 ~~chairman of the Task Group and to the Director; and (iv)~~
18 ~~transmit to the Task Group and to the Agency, in a form~~
19 ~~specified by the Task Group and the Agency, all information and~~
20 ~~documents assembled by the Scientific Surveys in performing the~~
21 ~~obligations of the Scientific Surveys under this Act. Upon~~
22 ~~completion of the screening and volunteer site evaluation~~
23 ~~process, the Director of the Department of Natural Resources~~
24 ~~shall be replaced on the Task Group by a member appointed by~~
25 ~~the Governor and confirmed by the Senate. The member appointed~~
26 ~~to replace the Director of the Department of Natural Resources~~

1 ~~shall have expertise that the Governor determines to be~~
2 ~~appropriate.~~

3 (c-3) (Blank). ~~By December 1, 2000, the Department of~~
4 ~~Nuclear Safety (now the Illinois Emergency Management Agency),~~
5 ~~in consultation with the Task Group, waste generators, and any~~
6 ~~interested counties and municipalities and after holding 3~~
7 ~~public hearings throughout the State, shall prepare a report~~
8 ~~regarding, at a minimum, the impact and ramifications, if any,~~
9 ~~of the following factors and circumstances on the siting,~~
10 ~~design, licensure, development, construction, operation,~~
11 ~~closure, and post-closure care of a regional disposal facility:~~

12 ~~(1) the federal, state, and regional programs for the~~
13 ~~siting, development, and operation of disposal facilities~~
14 ~~for low-level radioactive wastes and the nature, extent,~~
15 ~~and likelihood of any legislative or administrative~~
16 ~~changes to those programs;~~

17 ~~(2) (blank);~~

18 ~~(3) the current and most reliable projections~~
19 ~~regarding the costs of the siting, design, development,~~
20 ~~construction, operation, closure, decommissioning, and~~
21 ~~post-closure care of a regional disposal facility;~~

22 ~~(4) the current and most reliable estimates of the~~
23 ~~total volume of low-level radioactive waste that will be~~
24 ~~disposed at a regional disposal facility in Illinois and~~
25 ~~the projected annual volume amounts;~~

26 ~~(5) the nature and extent of the available, if any,~~

1 ~~storage and disposal facilities outside the region of the~~
2 ~~Compact for storage and disposal of low-level radioactive~~
3 ~~waste generated from within the region of the Compact; and~~

4 ~~(6) the development and implementation of a voluntary~~
5 ~~site selection process in which land may be volunteered for~~
6 ~~the regional disposal facility jointly by landowners and~~
7 ~~(i) the municipality in which the land is located, (ii)~~
8 ~~every municipality within 1 1/2 miles of the land if the~~
9 ~~land is not within a municipality, or (iii) the county or~~
10 ~~counties in which the land is located if the land is not~~
11 ~~within a municipality and not within 1 1/2 miles of a~~
12 ~~municipality. The Director shall provide copies of the~~
13 ~~report to the Governor, the President and Minority Leader~~
14 ~~of the Senate, and the Speaker and Minority Leader of the~~
15 ~~House. The Director shall also publish a notice of~~
16 ~~availability of the report in the State newspaper and make~~
17 ~~copies of the report available without charge to the~~
18 ~~public.~~

19 (c-5) The ~~Following~~ ~~submittal of the report pursuant to~~
20 ~~subsection (c-3) of this Section, the Agency may adopt rules~~
21 ~~establishing a site selection process for a~~ the ~~the~~ regional
22 disposal facility. In developing rules, the Agency shall, at a
23 minimum, consider the following:

24 (1) A comprehensive and open process under which the
25 land for sites recommended and proposed by the contractor
26 under subsection (e) of this Section shall be volunteered

1 lands as provided in this Section. Land may be volunteered
2 for the regional disposal facility jointly by landowners
3 and (i) the municipality in which the land is located, (ii)
4 every municipality with 1 1/2 miles of the land if the land
5 is not within a municipality, or (iii) the county or
6 counties in which the land is located if the land is not
7 within a municipality and not within 1 1/2 miles of a
8 municipality.

9 (2) Utilization of ~~the~~ State screening and volunteer
10 site evaluation reports ~~report~~ prepared by the Scientific
11 Surveys ~~under subsection (c) of this Section~~ for the
12 purpose of determining whether proposed sites appear
13 likely to satisfy the site selection criteria.

14 (3) Coordination of the site selection process with the
15 projected annual and total volume of low-level radioactive
16 waste to be disposed at the regional disposal facility ~~as~~
17 ~~identified in the report prepared under subsection (c 3) of~~
18 ~~this Section.~~

19 The site selection process established under this
20 subsection shall require the contractor selected by the Agency
21 pursuant to Sections 5 and 10 of this Act to propose one site
22 to the Agency Task Group for approval ~~under subsections (d)~~
23 ~~through (i) of this Section.~~

24 ~~No proposed site shall be selected as the site for the~~
25 ~~regional disposal facility unless it satisfies the site~~
26 ~~selection criteria established by the Task Group under~~

1 ~~subsection (b) of this Section.~~

2 (d) The contractor selected by the Agency under Sections 5
3 and 10 of this Act shall conduct evaluations, including
4 possible intrusive field investigations, of the sites and
5 locations identified under the site selection process
6 established under subsection (c-5) of this Section.

7 (e) Upon completion of the site evaluations, the contractor
8 selected by the Agency shall identify one site of at least 640
9 acres that appears promising for development of the regional
10 disposal facility in compliance ~~with the site selection~~
11 ~~criteria established by the Task Group pursuant to subsection~~
12 ~~(b) of this Section.~~ The contractor may conduct any other
13 evaluation of the site identified under this subsection that
14 the contractor deems appropriate ~~to determine whether the site~~
15 ~~satisfies the criteria adopted under subsection (b) of this~~
16 ~~Section.~~ Upon completion of the evaluations under this
17 subsection, the contractor shall prepare and submit to the
18 Agency a report on the evaluation of the identified site,
19 including a recommendation as to whether the identified site
20 should be further considered for selection as a site for the
21 regional disposal facility. A site so recommended for further
22 consideration is hereinafter referred to as a "proposed site".

23 (f) (Blank). ~~A report completed under subsection (e) of~~
24 ~~this Section that recommends a proposed site shall also be~~
25 ~~submitted to the chairman of the Task Group. Within 45 days~~
26 ~~following receipt of a report, the chairman of the Task Group~~

1 ~~shall publish in newspapers of general circulation in the~~
2 ~~county or counties in which a proposed site is located a notice~~
3 ~~of the availability of the report and a notice of a public~~
4 ~~meeting. The chairman of the Task Group shall also, within the~~
5 ~~45 day period, provide copies of the report and the notice to~~
6 ~~the Governor, the President and Minority Leader of the Senate,~~
7 ~~the Speaker and Minority Leader of the House, members of the~~
8 ~~General Assembly from the legislative district or districts in~~
9 ~~which a proposed site is located, the county board or boards of~~
10 ~~the county or counties containing a proposed site, and each~~
11 ~~city, village, and incorporated town within a 5 mile radius of~~
12 ~~a proposed site. The chairman of the Task Group shall make~~
13 ~~copies of the report available without charge to the public.~~

14 (g) ~~The~~ The ~~chairman of the Task Group shall convene at~~
15 ~~least one public meeting on each proposed site. At the public~~
16 ~~meeting or meetings, the contractor selected by the Agency~~
17 ~~shall present the results of the evaluation of the proposed~~
18 ~~site. The Task Group shall receive such other written and oral~~
19 ~~information about the proposed site that may be submitted at~~
20 ~~the meeting. Following the meeting, the Task Group shall decide~~
21 ~~whether the proposed site satisfies the criteria adopted under~~
22 ~~subsection (b) of this Section. If the Task Group determines~~
23 ~~that the proposed site does not satisfy the criteria, the~~
24 Agency may require a contractor to submit a further report
25 pursuant to subsection (e) of this Section proposing another
26 site from the locations identified under the site selection

1 process established pursuant to subsection (c-5) of this
2 Section as likely to satisfy the criteria. ~~The Following notice~~
3 ~~and distribution of the report as required by subsection (f) of~~
4 ~~this Section,~~ the new proposed site shall be the subject of a
5 public meeting under this subsection. The contractor selected
6 by the Agency shall propose additional sites, ~~and the Task~~
7 ~~Group shall conduct additional public meetings,~~ until the
8 Agency Task Group has approved a proposed site recommended by a
9 contractor ~~as satisfying the criteria adopted under subsection~~
10 ~~(b) of this Section.~~ In the event that the Agency Task Group
11 does not approve any of the proposed sites recommended by the
12 contractor under this subsection, ~~as satisfying the criteria~~
13 ~~adopted under subsection (b) of this Section,~~ the Task Group
14 ~~shall immediately suspend all work and~~ the Agency shall prepare
15 a study containing, at a minimum, the Agency's recommendations
16 regarding the viability of the site selection process
17 established pursuant to this Act, ~~based on the factors and~~
18 ~~circumstances specified in items (1) through (6) of subsection~~
19 ~~(c-3) of Section 10.2.~~ The Agency shall provide copies of the
20 study to the Governor, the President and Minority Leader of the
21 Senate, and the Speaker and Minority Leader of the House. The
22 Agency shall also publish a notice of availability of the study
23 in the State newspaper and make copies of the report available
24 without charge to the public.

25 (h) (Blank).

26 (i) Upon the Agency's approval ~~Task Group's decision that a~~

1 ~~proposed site satisfies the criteria adopted under subsection~~
2 ~~(b) of this Section,~~ the contractor shall proceed with the
3 characterization and licensure of the proposed site under
4 Section 10.3 of this Act ~~and the Task Group shall immediately~~
5 ~~suspend all work, except as otherwise specifically required in~~
6 ~~subsection (b) of Section 10.3 of this Act.~~

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

8 (420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

9 Sec. 10.3. Site characterization; license application;
10 adjudicatory hearing; exclusivity.

11 (a) If the contractor chosen under Sections 5 and 10,
12 following characterization, determines that the proposed site
13 is appropriate for the development of a regional disposal
14 facility, ~~(i)~~ the contractor shall submit to the Agency an
15 application for a license to construct and operate the facility
16 at the selected site ~~and (ii) the Task Group shall be abolished~~
17 ~~and its records transferred to the Agency.~~

18 (b) If the contractor determines, following or at any time
19 during characterization of a ~~the site proposed under Section~~
20 ~~10.2 of this Act,~~ that the proposed site is not appropriate for
21 the development of a regional disposal facility, the Agency may
22 require the contractor to propose an additional site ~~to the~~
23 ~~Task Group~~ from the locations identified under the site
24 selection process established under subsection (c-5) of
25 Section 10.2 ~~that is likely to satisfy the criteria adopted~~

1 ~~under subsection (b) of Section 10.2.~~ The new proposed site
2 shall be the subject of public notice, distribution, and public
3 meeting conducted by the Agency ~~Task Group~~ under the procedures
4 set forth in subsections (f) and (g) of Section 10.2 of this
5 Act. The contractor selected by the Agency shall propose
6 additional sites and the Agency ~~Task Group~~ shall conduct
7 additional public meetings until ~~(i) the Task Group has~~
8 ~~approved a proposed site recommended by a contractor as~~
9 ~~satisfying the criteria adopted under subsection (b) of Section~~
10 ~~10.2, and (ii) the contractor has determined, following~~
11 ~~characterization, that the site is appropriate for the~~
12 ~~development of the regional disposal facility. Upon the~~
13 ~~selection of a proposed site under this subsection, (i) the~~
14 ~~contractor shall submit to the Agency an application for a~~
15 ~~license to construct and operate a regional disposal facility~~
16 ~~at the selected site and (ii) the Task Group shall be abolished~~
17 ~~and its records transferred to the Agency.~~

18 (c) The Agency shall review the license application filed
19 pursuant to Section 8 and subsections (a) and (b) of this
20 Section in accordance with its rules and the agreement between
21 the State of Illinois and the Nuclear Regulatory Commission
22 under Section 274 of the Atomic Energy Act. If the Agency
23 determines that the license should be issued, the Agency shall
24 publish in the State newspaper a notice of intent to issue the
25 license. Objections to issuance of the license may be filed
26 within 90 days of publication of the notice. Upon receipt of

1 objections, the Director shall appoint a hearing officer who
2 shall conduct an adjudicatory hearing on the objections. The
3 burden of proof at the hearing shall be on the person filing
4 the objections. Upon completion of the hearing, the hearing
5 officer shall recommend to the Director whether the license
6 should be issued. The decision of the Director to issue or deny
7 the license may be appealed under Section 18.

8 (d) The procedures, criteria, terms, and conditions set
9 forth in this Act, and in the rules adopted under this Act, for
10 the treatment, storage, and disposal of low-level radioactive
11 waste and for the siting, licensure, design, construction,
12 maintenance, operation, closure, decommissioning, and
13 post-closure care of the regional disposal facility shall be
14 the exclusive procedures, criteria, terms, and conditions for
15 those matters.

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

17 (420 ILCS 20/12.1) (from Ch. 111 1/2, par. 241-12.1)

18 Sec. 12.1. Grants; community agreements.

19 (a) The Director may make grants to the county or counties
20 containing a site proposed under subsection (d) of Section 10.2
21 and may make grants to any municipality containing or within
22 1.5 miles of a proposed site. The grants may be used for any
23 lawful purposes, including technical reviews of the proposed
24 site and participation in public meetings ~~the meeting~~ held
25 during the site selection process ~~under subsection (g) of~~

1 ~~Section 10.2.~~

2 (b) The Director may make grants to the county or counties
3 containing a site to be characterized under Section 10.3 and
4 may make a grant to any municipality containing or within 1.5
5 miles of any such site. The grants may be used for any lawful
6 purposes, including review of site characterization work,
7 participation in an adjudicatory hearing under subsection (c)
8 of Section 10.3, and negotiation of an agreement under
9 subsection (c) of this Section.

10 (c) The Director may enter into one or more community
11 agreements with the county or counties containing a site for
12 which a license application has been submitted under Section
13 10.3. The Director may also enter into one or more community
14 agreements with any municipality containing or within 1.5 miles
15 of a site for which a license application has been submitted
16 under Section 10.3. An agreement under this subsection may
17 include, but need not be limited to, matters of technical and
18 socioeconomic concern regarding the development, operation,
19 closure, and post-closure care of the disposal facility to be
20 constructed at the site.

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

22 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

23 Sec. 14. Waste management funds.

24 (a) There is hereby created in the State Treasury a special
25 fund to be known as the "Low-Level Radioactive Waste Facility

1 Development and Operation Fund". All monies within the
2 Low-Level Radioactive Waste Facility Development and Operation
3 Fund shall be invested by the State Treasurer in accordance
4 with established investment practices. Interest earned by such
5 investment shall be returned to the Low-Level Radioactive Waste
6 Facility Development and Operation Fund. Except as otherwise
7 provided in this subsection, the Agency shall deposit 80% of
8 all receipts from the fees required under subsections (a) and
9 (b) of Section 13 in the State Treasury to the credit of this
10 Fund. Beginning July 1, 1997, and until December 31 of the year
11 in which the Agency ~~Task Group~~ approves a proposed site under
12 Section 10.3, the Agency ~~Department~~ shall deposit all fees
13 collected under subsections (a) and (b) of Section 13 of this
14 Act into the Fund. Subject to appropriation, the Agency is
15 authorized to expend all moneys in the Fund in amounts it deems
16 necessary for:

17 (1) hiring personnel and any other operating and
18 contingent expenses necessary for the proper
19 administration of this Act;

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

22 (3) grants to the Central Midwest Interstate Low-Level
23 Radioactive Waste Commission;

24 (4) hiring personnel, contracting with any person, and
25 meeting any other expenses incurred by the Agency in
26 fulfilling its responsibilities under the Radioactive

1 Waste Compact Enforcement Act;

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

3 (6) payment of fees in lieu of taxes to a local
4 government having within its boundaries a regional
5 disposal facility;

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

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

10 In spending monies pursuant to such appropriations, the
11 Agency shall to the extent practicable avoid duplicating
12 expenditures made by any firm pursuant to a contract awarded
13 under this Section. ~~On or before March 1, 1989 and on or before~~
14 ~~October 1 of 1989, 1990, 1991, 1992, and 1993, the Department~~
15 ~~of Nuclear Safety (now the Illinois Emergency Management~~
16 ~~Agency) shall deliver to the Governor, the President and~~
17 ~~Minority Leader of the Senate, the Speaker and Minority Leader~~
18 ~~of the House, and each of the generators that have contributed~~
19 ~~during the preceding State fiscal year to the Low Level~~
20 ~~Radioactive Waste Facility Development and Operation Fund a~~
21 ~~financial statement, certified and verified by the Director,~~
22 ~~which details all receipts and expenditures from the fund~~
23 ~~during the preceding State fiscal year; provided that the~~
24 ~~report due on or before March 1, 1989 shall detail all receipts~~
25 ~~and expenditures from the fund during the period from July 1,~~
26 ~~1988 through January 31, 1989. The financial statements shall~~

1 ~~identify all sources of income to the fund and all recipients~~
2 ~~of expenditures from the fund, shall specify the amounts of all~~
3 ~~the income and expenditures, and shall indicate the amounts of~~
4 ~~all the income and expenditures, and shall indicate the purpose~~
5 ~~for all expenditures.~~

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

1 (1) decommissioning and other procedures required for
2 the proper closure of the regional disposal facility;

3 (2) monitoring, inspecting, and other procedures
4 required for the proper closure, decommissioning, and
5 post-closure care of the regional disposal facility;

6 (3) taking any remedial actions necessary to protect
7 human health and the environment from releases or
8 threatened releases of wastes from the regional disposal
9 facility;

10 (4) the purchase of facility and third-party liability
11 insurance necessary during the institutional control
12 period of the regional disposal facility;

13 (5) mitigating the impacts of the suspension or
14 interruption of the acceptance of waste for disposal;

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

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

21 On or before March 1 of each year, the Agency shall deliver
22 to the Governor, the President and Minority Leader of the
23 Senate, the Speaker and Minority Leader of the House, and each
24 of the generators that have contributed during the preceding
25 State fiscal year to the Fund a financial statement, certified
26 and verified by the Director, which details all receipts and

1 expenditures from the Fund during the preceding State fiscal
2 year. The financial statements shall identify all sources of
3 income to the Fund and all recipients of expenditures from the
4 Fund, shall specify the amounts of all the income and
5 expenditures, and shall indicate the amounts of all the income
6 and expenditures, and shall indicate the purpose for all
7 expenditures.

8 (c) (Blank).

9 (d) The Agency may accept for any of its purposes and
10 functions any donations, grants of money, equipment, supplies,
11 materials, and services from any state or the United States, or
12 from any institution, person, firm or corporation. Any donation
13 or grant of money received after January 1, 1986 shall be
14 deposited in either the Low-Level Radioactive Waste Facility
15 Development and Operation Fund or the Low-Level Radioactive
16 Waste Facility Closure, Post-Closure Care and Compensation
17 Fund, in accordance with the purpose of the grant.

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