

19-3-106.2 Fee for perpetual care and maintenance of commercial radioactive waste disposal facilities -- Radioactive Waste Perpetual Care and Maintenance Account created -- Contents -- Use of restricted account money -- Evaluation.

- (1) As used in this section, "perpetual care and maintenance" means perpetual care and maintenance of a commercial radioactive waste treatment or disposal facility, excluding sites within the facility used for the disposal of byproduct material, as required by applicable laws, rules, and license requirements beginning 100 years after the date of final closure of the facility.
- (2)
 - (a) On and after July 1, 2002, the owner or operator of an active commercial radioactive waste treatment or disposal facility shall pay an annual fee of \$400,000 to provide for the perpetual care and maintenance of the facility.
 - (b) The owner or operator shall remit the fee to the department on or before July 1 of each year.
- (3) The department shall deposit fees received under Subsection (2) into the Radioactive Waste Perpetual Care and Maintenance Account created in Subsection (4).
- (4)
 - (a) There is created a restricted account within the General Fund known as the "Radioactive Waste Perpetual Care and Maintenance Account" to finance perpetual care and maintenance of commercial radioactive waste treatment or disposal facilities, excluding sites within those facilities used for the disposal of byproduct material.
 - (b) The sources of revenue for the restricted account are:
 - (i) the fee imposed under this section; and
 - (ii) investment income derived from money in the restricted account.
 - (c)
 - (i) The revenues for the restricted account shall be segregated into subaccounts for each commercial radioactive waste treatment or disposal facility covered by the restricted account.
 - (ii) Each subaccount shall contain:
 - (A) the fees paid by each owner or operator of a commercial radioactive waste treatment or disposal facility; and
 - (B) the associated investment income.
- (5) The Legislature may appropriate money from the Radioactive Waste Perpetual Care and Maintenance Account for:
 - (a) perpetual care and maintenance of a commercial radioactive waste treatment or disposal facility, excluding sites within the facility used for the disposal of byproduct material, beginning 100 years after the date of final closure of the facility; or
 - (b) maintenance or monitoring of, or implementing corrective action at, a commercial radioactive waste treatment or disposal facility, excluding sites within the facility used for the disposal of byproduct material, before the end of 100 years after the date of final closure of the facility, if:
 - (i) the owner or operator is unwilling or unable to carry out postclosure maintenance, monitoring, or corrective action; and
 - (ii) the financial surety arrangements made by the owner or operator, including any required under applicable law, are insufficient to cover the costs of postclosure maintenance, monitoring, or corrective action.
- (6) The money appropriated from the Radioactive Waste Perpetual Care and Maintenance Account for the purposes specified in Subsection (5)(a) or(b) at a particular commercial radioactive waste treatment or disposal facility may be appropriated only from the subaccount established under Subsection (4)(c) for the facility.

- (7) The attorney general shall bring legal action against the owner or operator or take other steps to secure the recovery or reimbursement of the costs of maintenance, monitoring, or corrective action, including legal costs, incurred pursuant to Subsection (5)(b).
- (8) The board shall direct an evaluation of the adequacy of the restricted account as required under Section 19-1-307.
- (9) This section does not apply to a uranium mill licensed under 10 C.F.R. Part 40, Domestic Licensing of Source Material.

Amended by Chapter 278, 2010 General Session