LOW-LEVEL RADIOACTIVE WASTE DISPOSAL REGIONAL FACILITY ACT

Act of Jul. 11, 1990, P.L. 436, No. 107 Cl. 35

AN ACT

Creating a fee system to cover the costs related to the establishment of a low-level radioactive waste disposal regional facility in Pennsylvania; and regulating certain low-level waste.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1
GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Low-Level Radioactive Waste Disposal Regional Facility Act.

Section 102. Legislative findings and purpose.

(a) Findings.--The General Assembly finds:

(1) That the Low-Level Radioactive Waste Policy Amendments Act of 1985 and the Appalachian States Low-Level Radioactive Waste Compact Law, adopted pursuant thereto, require the Commonwealth to timely provide a regional facility for disposal of low-level radioactive waste generated within Compact member states; that the waste generators are required, under the terms of the Appalachian States Low-Level Radioactive Waste Compact Law and the

Low-Level Radioactive Waste Disposal Act, to pay the costs of developing, establishing and operating the low-level radioactive waste disposal facility; and that such costs associated with preconstruction development of the facility are estimated to be approximately $33,000,000.

(2) That those activities which generate low-level radioactive wastes requiring disposal contribute to the health and welfare of the citizens of the Compact member states, and advance payment of funds by certain waste generators will enhance the timely availability of a disposal site and reduce the costs of waste disposal.

(b) Purpose.--The General Assembly therefore establishes that the purposes of this act are as follows:

(1) To establish a low-level radioactive waste disposal regional facility siting fund which would:

(i) Require nuclear power reactor constructors and operators situated in this Commonwealth to pay to the Department of Environmental Resources funds to be utilized for reasonable and proper expenses, subject to limitations set forth herein, that are incurred by the department, its consultants and the selected regional facility operator in execution of activities required by section 307 of the Low-Level Radioactive Waste Disposal Act.

(ii) Authorize and encourage other potential users of the regional facility to make voluntary payments to the department for the purposes stated in subparagraph (i).

(2) To provide for the recovery of an equitable portion of funds advanced by persons described under paragraph (1) by allowing them credits against surcharges to be billed to all waste depositors by the department.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Appalachian States Low-Level Radioactive Waste Compact Law." The act of December 22, 1985 (P.L.539, No.120).

"Business concern." Any corporation, association, firm, partnership, trust or other form of commercial organization.

"Contractor." A person who enters into a contract with the department to implement the Low-Level Radioactive Waste Disposal Act.

"Contributor." A person who is mandated to make or who is voluntarily making contributions to the fund.

"Debt liability." An obligation to repay funds advanced for the overall operations or the acquisition or refinancing of major assets of a contractor or contributor, excluding the obligation to repay nonaffiliated suppliers of materials, equipment, supplies or inventory entered into in the ordinary course of business.

"Department." The Department of Environmental Resources of the Commonwealth.

"Disclosure statement." A statement submitted to the department by a contributor or contractor as provided for in Chapter 5.

"Fund." The Regional Facility Siting Fund created by this act.

"Key employee." Any person employed by the contractor or the contributor in a supervisory capacity or empowered to make discretionary decisions with respect to the radioactive waste operations of the business concern but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage or disposal of radioactive waste.

"Low-Level Radioactive Waste Disposal Act." The act of February 9, 1988 (P.L.31, No.12).

"Low-Level Radioactive Waste Policy Amendments Act of 1985." Public Law 99-240, 99 Stat. 1842, 42 U.S.C. § 2021b et seq.

"Waste depositor." Any person disposing of low-level radioactive waste in the regional facility during the operative period of this act.

Compiler's Note: The Department of Environmental Resources, referred to in the def. of "department," was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 104. Regulation of certain waste.

Low-level radioactive waste, as defined in the Low-Level Radioactive Waste Disposal Act, generated by any government agency or pursuant to a government contract or license, which was classified by the United States Nuclear Regulatory Commission as low-level radioactive waste as of January 1, 1989, whether or not such waste has been deregulated to below regulatory concern by the United States Nuclear Regulatory Commission or other Federal agency, shall only be disposed of at a waste facility licensed by or operated by or for a Federal Government agency or licensed by a state under an agreement with such an agency, for disposal of radioactive waste. Unless required under Federal law, the Commonwealth does not assume responsibility or ownership over these wastes by retaining jurisdiction over their storage and disposal.

CHAPTER 3
REGIONAL FACILITY SITING FUND

Section 301. Regional Facility Siting Fund.

(a) Establishment.--There shall be established within the State Treasury an interest-bearing, nonlapsing, restricted account to be known as the Regional Facility Siting Fund.

(b) Deposits.--All mandated and voluntary contributions under this act, together with actual interest earned on these contributions by the State Treasurer, shall be deposited into the fund. Separate accounting of contributions and actual interest earned thereon shall be continuously maintained for purposes of implementing sections 306 and 310.

(c) Appropriation and purpose.--Moneys in the fund are hereby appropriated and, upon authorization of the Governor, may be expended by the department on a continuing basis solely for the following purposes:

(1) Reimbursement of expenses incurred by the regional facility operator for regional facility site selection, regional facility design and land purchase activities, but not to include any profit.

(2) Fees paid by the department to consultants for the purpose of assisting the department in the implementation of the Low-Level Radioactive Waste Disposal Act.

(3) Cost of the department for its expenses incurred in the implementation of the Low-Level Radioactive Waste Disposal Act.

(d) Disbursements.--Each disbursement from the fund shall be deemed to be made from both contributions, and actual interest earned thereon, in the same proportion as each bears to the fund's total balance at the time of such disbursement.

Section 302. Fund contribution.

(a) Maximum fund contribution.--The sum of $33,000,000, exclusive of interest earned or imputed, shall be the maximum amount to be paid by mandated fund contributors. The actual amounts to be paid by mandated fund contributors shall be ratably reduced to the extent that the department determines that an amount less than $33,000,000 suffices for the purposes of this act, to the extent of voluntary contributions received or reasonably anticipated, or to the extent of actual commitment, for the purposes of this act, of financial resources by persons or organizations other than mandated or voluntary contributors. It is the intent of this section that no funds significantly in excess of those reasonably required to effectuate the purposes of this act be paid into the fund.

(b) Mandated fund contributors.--

(1) Each person who is constructing or is operating in Pennsylvania, pursuant to a construction permit or operating license issued by the United States Nuclear Regulatory Commission, one or more of the nine nuclear power reactor facilities identified in this subsection, which are expected to produce electric energy for commercial purposes and low-level radioactive waste for significant portions of the functional life of the regional facility, shall pay to the department a mandated contribution in the form of a fee for each such reactor facility in the amount and at such time as follows:

Date of required payment	Fee per reactor
Not later than the 30th day following the effective date of this act	$933,000
July 1, 1991	$1,200,000
July 1, 1992	$933,000
July 1, 1993	$597,000

(2) The provisions of this subsection shall be applicable to the following nuclear power reactor facilities, which are producing or are reasonably anticipated to produce electric energy for commercial purposes and are generating or are reasonably anticipated to generate low-level radioactive waste throughout a significant portion of the functional life of the regional facility:

(i) Beaver Valley - No. 1
(ii) Beaver Valley - No. 2
(iii) Limerick - No. 1
(iv) Limerick - No. 2
(v) Peach Bottom - No. 2
(vi) Peach Bottom - No. 3
(vii) Susquehanna - No. 1
(viii) Susquehanna - No. 2
(ix) Three Mile Island - No. 1

(c) Voluntary fund contributors.--Any person, other than one required to make fund contributions pursuant to subsection (b), in an Appalachian States Compact member state who anticipates future use of the regional facility may, in one or more of the annual payment periods specified in subsection (b), make a voluntary contribution to the fund by payment to the department. Unless clearly stated otherwise, for the purposes

of this act generally, and for the purposes of section 303 specifically, a person making such a voluntary contribution shall, to the extent of that contribution, be regarded without distinction as a mandated contributor. Such designation does not obligate or require future contributions by such persons. Voluntary contributions shall be applied by the department to reduce the fees of mandated contributors on a pro rata basis.

(d) Contributor reconciliation accounts.--At all times during the effective period of this act, the department shall maintain a reconciliation ledger consisting of a reconciliation account for each person making a contribution under this section. Contributions by such person, and the imputed interest accrued pursuant to subsection (e), shall be promptly debited to the contributor's reconciliation account. Fee payments, and imputed interest thereon, by a person who is a mandated contributor for more than one nuclear power reactor facility shall, for the purposes of this act, be merged in a single reconciliation account in the name of such person.

(e) Imputed interest.--Mandated and voluntary contributions made under this section shall accrue imputed interest. Such interest shall be computed on an annual basis for the period beginning with the time of receipt of a contribution and ending on each successive June 30th. Such interest shall be simple annual interest at a rate equal to the rate then being imposed by the Department of Revenue for unpaid State taxes due and payable to the Commonwealth. It is the intent of this subsection to properly recognize the time value of funds contributed so as to allow for inclusion of that additional imputed interest in fixing surcharges provided for by section 303. Accordingly, withdrawal from the fund and expenditure by the department of funds contributed under this section shall not be credited against, deducted from or otherwise cause to diminish the debit balance of contributors' reconciliation accounts on which imputed interest is accrued under this subsection. The imputed interest required by this subsection is a separate and distinct calculation for the purpose of implementing section 303 and shall not, for any purpose or in any circumstance, be regarded as the actual interest on amounts in the fund which may be earned pursuant to section 301(a).

(f) Final value of contributions.--For the purposes of determining surcharges and otherwise administering the provisions of section 303, the debit balance in each contributor's reconciliation account as of June 30, 1994, together with imputed interest accrued thereon, shall be regarded as the final reconciliation account value of each contributor, and the sum of all such contributor's final reconciliation account values shall be regarded as the final reconciliation control account value. No further imputed interest shall be accrued after that date on the final reconciliation account value of each contributor's account.

(g) Host Municipality Low-Level Radioactive Waste Fund.--

(1) Each person who is constructing or is operating one or more of the nine nuclear power reactor facilities identified in subsection (b) shall pay to the host municipality of each such facility five annual payments of $36,000 for each such facility. The first such annual payment shall be paid 30 days after the first day the regional facility began operation and was capable of accepting for disposal waste from any waste depositor. Each of the remaining four annual payments shall be paid at the end of four successive 12-month periods following the date on which the first annual payment was made.

(2) For the purposes of this section only, the term "host municipality" shall mean the municipality other than the county within which one or more of the nine nuclear power reactor facilities is located. In the event that such a facility is located within more than one such host municipality, each annual payment shall be equally divided among them. A host municipality may expend money received under this subsection for any purpose for which the municipality is otherwise authorized by law to expend funds.

Section 303. Reconciliation of control account.

(a) Intent.--It is the intent of this section to provide a procedure to assure that each fund contributor be provided credits, to the extent of its final reconciliation account value, against surcharges to be imposed on all waste depositors under section 315(c) of the Low-Level Radioactive Waste Disposal Act.

(b) Reconciliation period for final reconciliation control account.--The final reconciliation account value of each contributor shall be reconciled over ten annual reconciliation periods against any surcharges on waste depositors imposed by the department under section 315(c) of the Low-Level Radioactive Waste Disposal Act. The first annual reconciliation period shall commence with the first day of the first month of the fifth calendar quarter during which waste is deposited in the regional facility.

(c) Reconciliation credits.--For each annual reconciliation period, the department shall determine the revenue required by all surcharges to be imposed under section 315(c) of the Low-Level Radioactive Waste Disposal Act and add to such requirement an additional amount equal to one-tenth of the final reconciliation control account value, the sum to be termed the annual reconciliation period revenue. An annual reconciliation period surcharge rate applicable to current reconciliation period disposal operations shall be then determined by dividing the annual reconciliation period revenue by the total volume and waste classification of waste deposited in the regional facility by all waste depositors during the preceding 12 months. The annual surcharge rate thus determined shall be multiplied by the volume and waste classification of waste deposited at the regional facility in the current reconciliation period by each waste depositor and the resulting surcharge assessed upon each such waste depositor. The surcharge assessment of such a waste depositor who is a fund contributor shall be credited in an amount up to one-tenth of its final reconciliation account value. If, in any reconciliation period, the applicable surcharge assessment shall be less than one-tenth of the fund contributor's final reconciliation account value, the difference may be carried over and usable as additional credit against applicable surcharges in the next reconciliation period or alternatively applied to any permit fee imposed under section 315(a) of the Low-Level Radioactive Waste Disposal Act.

Section 304. Records and audits.

(a) Records.--In addition to the particular records and accounts specified elsewhere in this act, the department, at all times during the effective period of this act, shall maintain such additional records and accounts in such form and manner as will allow detailed review, examination and audit, by the Auditor General, of all monetary transactions pursuant to this act.

(b) Fiscal audits.--Within 120 days following June 30 of each of the fiscal years 1990 through 1994 and the fiscal year in which the facility begins licensed operations, the department

shall furnish to each fund contributor three copies of a financial audit performed in accordance with generally accepted auditing standards compatible with the most intensive current practices of the Department of the Auditor General. Such audit shall be performed by the Department of the Auditor General.

(c) Expenses.--The department may withdraw from the fund such amounts as are reasonably necessary and proper for reimbursement of audit costs.

Section 305. Default.

(a) Default.--For the purposes of this act, a default shall be deemed to be a material failure to timely make available for waste deposition a functioning regional facility conforming in all material respects to applicable law. In addition to any other such circumstance or set of circumstances, any of the following shall be deemed to be a default:

(1) Termination of the contract to be entered into by the department on or about May 1, 1990, with a regional facility operator, prior to submittal to the department or the appropriate Federal agency of a license application for such a facility.

(2) Failure by the regional facility operator to commence physical construction of a regional facility by January 1, 1996, at a site having final approval of the Secretary of Environmental Resources.

(3) Failure by the department to move forward to site approval and to operate a site where there has been a default by the regional facility operator.

(b) Declaration of default.--The Appalachian States Compact Commission may declare a default when a majority of both mandatory and voluntary fund contributors request such, setting forth in a written declaration the circumstances constituting the default.

(c) Special rights and remedies.--

(1) Upon the declaration of default, the rights and remedies specified in this subsection shall be available to fund contributors, and duties specified by this subsection shall be imposed on the department.

(2) Each fund contributor shall, within 60 days of declaration of default, be refunded a pro rata amount of unexpended contributions, including actual interest earned thereon, remaining in the fund in the proportion that each contributor's contributions to the date bears to the total contributions of all contributors to that date. Contributions in transit or received by the department on or after that date shall not be deposited in the fund, but shall be returned to the sender.

(3) The department shall refund to fund contributors all moneys, including the portion thereof attributable to actual interest earned thereon, previously released to the facility operator to the extent that the department has or will receive any or all of such moneys as a result of the default. From time to time, upon recovery of reasonable amounts of such moneys, the department shall refund these moneys to each fund contributor in the same pro rata proportion stated in paragraph (2).

(d) Remedies preserved.--Nothing in this section shall be in any way construed to limit the rights and remedies available to a fund contributor at law or equity. In no event shall the department or the Commonwealth be liable for unrecovered expended portions of the fund.

Compiler's Note: The Secretary of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 306. Withdrawal from Compact.

In the event that a Compact member state withdraws from the Compact before June 30, 1994, any person in such Compact member state who has made voluntary contributions shall be entitled to a refund of such contributions, not to include any actual interest earned on such contributions. The department may, pursuant to section 303, impose additional fees on mandated contributors sufficient to provide the amount to be refunded. This refund shall be paid when such additional fees become available to the department.

Section 307. Participation in regulatory proceedings.

(a) Department.--Upon request of any admitted party to a regulatory proceeding, including a contributor that is a public utility, the department may agree to appear in proceedings before or present appropriate submittals to that contributor's public utility regulatory body regarding the contributor's contribution to the fund. A contributor making such request shall compensate the department for its actual costs for travel, lodging and other out-of-pocket or administrative expenses incurred in compliance with this request.

(b) Affidavit.--If the department does not appear, it may submit an affidavit providing information relative to such contributions and surcharges relating to the fund and made or imposed under this act.

Section 308. Retention of records.

The department shall retain, in a reasonably accessible form and place, all records pertaining to contributions, surcharges and reconciliations made under this act for a period of seven years beyond its termination. The department shall permit access to all records pertaining to contributions, surcharges and reconciliations made under this act.

Section 309. Construction.

This act shall be construed in pari materia with the Appalachian States Low-Level Radioactive Waste Compact Law and the Low-Level Radioactive Waste Disposal Act.

Section 310. Expiration of fund.

The fund shall expire one year following the last day of the tenth annual reconciliation period pursuant to section 303. Unexpended amounts then remaining in the fund attributable to actual contributions, and exclusive of actual interest earned on such contributions, shall be refunded to each contributor in the proportion that each contributor's contributions to the fund bears to the total of all such contributions. Unexpended amounts then remaining in the fund attributable to actual interest earned on contributions shall be transferred to the Low-Level Waste Fund, as established under the Low-Level Radioactive Waste Disposal Act.

CHAPTER 5
DISCLOSURE STATEMENTS

Section 501. Requirements.

In addition to any procedure, condition or information requirement of the Low-Level Radioactive Waste Disposal Act, every contractor or contributor shall file the disclosure statement required under this chapter with the Attorney General.

Section 502. Content.

The disclosure statement shall include the following:

(1) The full name, business address and Federal tax identification number of a contractor or contributor or, if the contractor or contributor is a business concern, the full name, business address and Social Security number of all officers, directors, partners or key employees thereof and every person holding any equity in or debt liability of that business concern. If such business concern or its parent organization is a publicly traded corporation or the business concern is a subsidiary of a publicly traded corporation, the disclosure statement, with respect to the identity of its equity or debt holders, need only identify the beneficial owners of more than 5% of the equity in or debt liability of such business concern, except that:

(i) where the debt liability of such business concern or its parent organization or subsidiary is held by a chartered lending institution, the contractor or contributor need only supply the name and business address of the lending institution; or

(ii) where a class of equity securities of such business concern or its parent organization or subsidiary is registered on a national securities exchange, the contractor or contributor will be deemed in compliance with all the provisions of this section requiring the disclosure of its equity and debt liabilities of itself, its parent organization and subsidiaries, if the business concern supplies copies of any filings received by it, its parent organization and subsidiaries, of Schedule 13-D or Schedule 13-G pursuant to the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78m(g)(1)).

(2) The full name, business address and Social Security number of all officers, directors or partners of any business concern disclosed in the statement and the names and addresses of all persons holding any equity in or debt liability of any business concern so disclosed. If such business concern or its parent organization is a publicly traded corporation or if the business concern is a subsidiary of a publicly traded corporation, the disclosure statement, with respect to the identity of the business concern's equity or debt holders, need only identify the beneficial owners of more than 5% of the equity in or debt liability of such business concern, except that:

(i) where the debt liability of such business concern or its parent organization or subsidiary is held by a chartered lending institution, the contractor or contributor need only supply the name and business address of the lending institution; or

(ii) where a class of equity securities of such business concern or its parent organization or subsidiary is registered on a national securities exchange, the contractor or contributor will be deemed in compliance with all the provisions of this section requiring the disclosure of its equity and debt liabilities of itself, its parent organization and subsidiaries, if the business concern supplies copies of any filings received by it, its parent organization and subsidiaries, of Schedule 13-D or Schedule 13-G pursuant to the Securities Exchange Act of 1934.

(3) The full name and business address of any company which collects, transports, treats, stores or disposes of radioactive waste and in which the contractor or contributor holds an equity interest.

(4) A description of experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage or disposal of radioactive waste possessed by the contractor or contributor, or, if the contractor or contributor is a business concern, by the key employees, officers, directors or partners thereof.

(5) A listing and explanation of any civil judgment or judgment of sentence which was rendered within the previous ten years, pursuant to any Federal or State statute, or against any person required to be listed on the disclosure form, except for any violation of 75 Pa.C.S. (relating to vehicles) or offense committed prior to the age of 18 for a natural person unless the natural person was tried as an adult, for the following offenses:

(i) Murder.

(ii) Kidnapping.

(iii) Gambling.

(iv) Robbery.

(v) Bribery.

(vi) Extortion.

(vii) Criminal usury.

(viii) Arson.

(ix) Burglary.

(x) Theft and related crimes.

(xi) Forgery and fraudulent practices.

(xii) Fraud in the offering, sale or purchase of securities.

(xiii) Alteration of motor vehicle identification numbers.

(xiv) Unlawful manufacture, purchase, use or transfer of firearms.

(xv) Unlawful possession or use of destructive devices or explosives.

(xvi) Violation of Federal or State laws governing the sale or distribution of controlled substances.

(xvii) Violations of this act.

(xviii) Perjury, false swearing or related offenses.

(xix) Violations of 18 Pa.C.S. § 911 (relating to corrupt organizations).

(xx) Violation of 18 U.S.C. Ch. 96 (relating to racketeer influenced and corrupt organizations).

(xxi) Failure to pay Federal or State taxes.

(xxii) Violation of the act of October 28, 1983 (P.L.176, No.45), known as the Antibid-Rigging Act.

(xxiii) Violation of Federal or State antitrust statutes by the contractor or contributor or its officers or members of the board of directors.

(6) With the exception of agencies of this Commonwealth, a listing of any agency, Federal or State, that has had or has regulatory responsibility over the contractor or contributor in connection with its collection, transportation, treatment, storage or disposal of low-level radioactive waste.

(7) Any other information the Attorney General may require that relates to the criminal record, competency, reliability or character of the contractor or contributor.

Section 503. Procedure.

(a) Investigative report.--The Attorney General shall, within 120 days of the receipt of the disclosure statement from the contractor or contributor, prepare and transmit to the department an investigative report on the contractor or contributor, based in part upon the disclosure statement, except

that this deadline may be extended for a reasonable period of time, for good cause, by the Attorney General. The investigative report prepared by the Attorney General shall be evaluated by the department pursuant to sections 308(g) and 310(c) of the Low-Level Radioactive Waste Disposal Act under the continuing obligation of the department to evaluate the compliance history of the contractor and contributors covered by this act. In preparing this report, the Attorney General may request and receive criminal history information from the Federal Bureau of Investigation and the Pennsylvania State Police.

(b) Duty of contractors and contributors.--All contractors and contributors shall have the continuing duty to provide any assistance or information requested by the Attorney General and to cooperate in any inquiry or investigation conducted by the Attorney General and in any inquiry, investigation or hearing conducted by the department. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any contractor or contributor refuses to comply, the agreement or contract with that person may be revoked by the department.

(c) Fee.--The Attorney General may charge and collect, in accordance with a fee schedule adopted by regulation, such fees from contractors and contributors as may be necessary to cover the costs of enforcing this act. The fee shall be calculated on the basis of $100 per each individual required to be listed in the disclosure statement or shown to have a beneficial interest other than an equity interest or debt liability in the business of the contractor or the contributor. The Attorney General may revise the fee by regulation.

(d) Disclosure statement changes.--The contractor or contributor shall provide to the Attorney General, in writing, any changes to information in the disclosure statement or any supplemental information within 30 days of any change in information contained in the disclosure statement or receipt of the supplemental information. If a class of equity securities of the contractor or contributor, or its parent organization or a subsidiary of a publicly traded corporation, is registered on a national securities exchange, the contractor or contributor will be deemed in compliance with the requirements of this subsection, as to revised and supplemental disclosure of holders of its equity and debt liabilities, if it supplies to the Attorney General, within 30 days of the receipt thereof, copies of any relevant Schedule 13-D or Schedule 13-G received by the contractor or contributor, or its parent organization or a subsidiary of a publicly traded corporation.

(e) Enforcement.--

(1) All contractors, contributors and persons required by section 502(2) to be listed on the disclosure form have a duty to cooperate in providing testimony, books, papers, correspondence, memoranda, agreements or any other documents or testimony needed to comply with this chapter.

(2) The Attorney General, for the purpose of any investigation under this chapter, believing that a person or entity may be in possession, custody or control of documentary evidence or may have information relevant to the subject matter of this chapter, may administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or any other documents or records which the Attorney General deems relevant to the inquiry.

(3) A request for information shall state the subject matter of the investigation, and shall describe the material to be produced with reasonable particularity so as to fairly identify the documents demanded, provide a return date within which the material is to be produced and identify the member of the Attorney General to whom the material should be given.

(4) The Attorney General may invoke the aid of a court of record of the Commonwealth for failure to obey a subpoena of a witness appearing before the Attorney General or his representative, and the court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce the books, records, accounts, papers, documents or files relative to the matter in question. Failure to obey an order may be punished by the court as a contempt. Any motion to challenge a subpoena shall be filed with the court of record. Any appeal of the decision of the issuing authority shall be to the appropriate court of record.

(5) If a contractor or contributor, after a diligent effort, cannot obtain the cooperation of persons required by section 502(2) to be listed on the disclosure form to provide the information required by this chapter and the information is not available from other sources accessible to the public, the contractor or contributor shall provide the name or names of such persons to the Attorney General. The contractor or contributor shall provide an explanation of the information requested, the steps taken to obtain the information and the response of the person being asked to provide the information. The Attorney General may use the authority contained in this section to obtain the information required to be included on the disclosure form.

Section 504. Rules and regulations.

The Environmental Quality Board, for the department, and the Attorney General shall have the authority to promulgate any rules or regulations necessary to implement the responsibilities given each of these agencies under this chapter.

CHAPTER 11
MISCELLANEOUS PROVISIONS

Section 1101. Effective date.

This act shall take effect immediately.