

32:31-1 to 32:31-11

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:31-1 to 32:31-11 ("Northeast low-level radioactive waste management act - approp. \$70,000)

LAWS OF: 1983

CHAPTER: 329

Bill No: A3256

Sponsor(s): Bennett

Date Introduced: March 14, 1983

Committee: Assembly: Agriculture and Environment

Senate: ---

Amended during passage: No Substituted for S3217 (not attached since identical to A3256)

Date of Passage: Assembly: May 5, 1983

Senate: June 20, 1983

Date of Approval: September 1, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: ~~NO~~

Message on Signing: ~~YES~~

Following were printed:

Reports: Yes

Hearings: Yes

Other states enactments: ,as of 3-1-84.

Maryland Annotated Code section 7-301 et seq
Delaware Code Annotated section 7-8001 et seq
Connecticut Public Act No. 83-2

Over

See newspaper clippings -- attached

974.90 New Jersey. Legislature. Senate. Energy and Environment Committee
A881 and Assembly. Agriculture and Environment Committee.
1983 Public hearing on S.3217 and A.3256, held 4-18-83. Trenton, 1983.

Report mentioned at page 23 of hearing:

974.90 Low-level radioactive waste in the northeast: report to the states;
A881 report of the CONEG Low-Level Radioactive Waste Policy Working Group...
1983a March, 1983.

ASSEMBLY, No. 3256

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1983

By Assemblyman BENNETT

AN ACT concerning the management and disposal of low-level radioactive waste, enacting and entering this State into the Northeast Interstate Low-Level Radioactive Waste Management Compact, supplementing Title 13 of the Revised Statutes, and providing an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The Northeast
2 Interstate Low-Level Radioactive Waste Management Compact
3 Act."

1 2. The State of New Jersey enacts and enters into the Northeast
2 Interstate Low-Level Radioactive Waste Management Compact
3 with all jurisdictions legally joining therein, which compact is
4 substantially as follows:

ARTICLE I. POLICY AND PURPOSE

1 There is created the Northeast Interstate Low-Level Radioactive
2 Waste Management Compact. The party states recognize that the
3 Congress has declared that each state is responsible for providing
4 for the availability of capacity, either within or outside its borders,
5 for disposal of low-level radioactive waste generated within its
6 borders, except for waste generated as a result of atomic energy
7 defense activities of the federal government, as defined in the
8 "Low-Level Radioactive Waste Policy Act," Pub. L. 96-573 (42
9 U. S. C. § 2021 b. et seq.), hereinafter referred to as "the act,"
10 or federal research and development activities. They also recog-
11 nize that the management of low-level radioactive waste is handled

12 most efficiently on a regional basis. The party states further recog-
13 nize that the Congress of the United States, by enacting the act
14 has provided for and encouraged the development of regional low-
15 level radioactive waste compacts to manage such waste. The party
16 states recognize that the long-term, safe and efficient management
17 of low-level radioactive waste generated within the region requires
18 that sufficient capacity to manage the waste be properly provided.

19 In order to promote the health and safety of the region, it is the
20 policy of the party states to: enter into a regional low-level radio-
21 active waste management compact as a means of facilitating an
22 interstate cooperative effort, provide for proper transportation of
23 low-level waste generated in the region, minimize the number of
24 facilities required to effectively and efficiently manage low-level
25 radioactive waste generated in the region, encourage the reduction
26 of the amounts of low-level waste generated in the region, distribute
27 the costs, benefits, and obligations of proper low-level radioactive
29 waste management equitably among the party states, and ensure
30 the environmentally sound and economical management of low-
31 level radioactive waste.

ARTICLE II. DEFINITIONS

1 As used in this compact, unless the context clearly requires a
2 different construction:

3 a. "Commission" means the Northeast Interstate Low-Level
4 Radioactive Waste Commission established pursuant to Article IV
5 of this compact;

6 b. "Custodial agency" means the agency of the government
7 designated to act on behalf of the government owner of the regional
8 facility;

9 c. "Disposal" means the isolation of low-level radioactive waste
10 from the biosphere inhabited by man and his food chains;

11 d. "Facility" means a parcel of land, together with the struc-
12 tures, equipment and improvements thereon or appurtenant
13 thereto, which is used or is being developed for the treatment,
14 storage or disposal of low-level waste, but shall not include on-site
15 treatment or storage by a generator;

16 e. "Generator" means a person who produces or processes low-
17 level waste, but does not include persons who only provide a ser-
18 vice by arranging for the collection, transportation, treatment,
19 storage or disposal of wastes generated outside the region;

20 f. "High-level-waste" means (1) the highly radioactive material
21 resulting from the reprocessing of spent nuclear fuel, including
22 liquid waste produced directly in reprocessing and any solid ma-
23 terial derived from that liquid waste that contains fission products

24 in sufficient concentration; and (2) any other highly radioactive
25 material determined by the federal government as requiring per-
26 manent isolation;

27 g. "Host state" means a party state in which a regional facility
28 is located or being developed;

29 h. "Institutional control" means the continued observation,
30 monitoring, and care of the regional facility following transfer of
31 control of the regional facility from the operator to the custodial
32 agency;

33 i. "Low-level waste" means radioactive waste that (1) is neither
34 high-level waste nor transuranic waste, nor spent nuclear fuel, nor
35 by-product material as defined in section 11e (2) of the Atomic
36 Energy Act of 1954 as amended; and (2) is classified by the federal
37 government as low-level waste, consistent with existing law; but
38 does not include waste generated as a result of atomic energy
39 defense activities of the federal government, as defined in Pub. L.
40 96-573, or federal research and development activities;

41 j. "Party state" means any state which is a signatory party in
42 good standing to this compact;

43 k. "Person" means an individual, corporation, business enter-
44 prise or other legal entity, either public or private and their legal
45 successors;

46 l. "Post-closure observation and maintenance" means the con-
47 tinued monitoring of a closed regional facility to ensure the integ-
48 rity and environmental safety of the site through compliance with
49 applicable licensing and regulatory requirements; prevention of
50 unwarranted intrusion, and correction of problems;

51 m. "Region" means the entire area of the party states;

52 n. "Regional facility" means a facility as defined in this section
53 which has been designated or accepted by the commission;

54 o. "State" means a state of the United States, the District of
55 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands
56 or any other territory subject to the laws of the United States;

57 p. "Storage" means the holding of waste for treatment or
58 disposal;

59 q. "Transuranic waste" means waste material containing radio-
60 nuclides with an atomic number greater than 92 which are excluded
61 from shallow land burial by the federal government;

62 r. "Treatment" means any method, technique or process, in-
63 cluding storage for decay, designed to change the physical, chemical
64 or biological characteristics or composition of any waste in order
65 to render the waste safer for transport or disposal, amenable for
66 recovery, convertible to another usable material or reduced in
67 volume;

68 s. "Waste" means low-level radioactive waste as defined in this
69 section;

70 t. "Waste management" means the storage, treatment, trans-
71 portation, and disposal, where applicable, of waste.

ARTICLE III. RIGHTS AND OBLIGATIONS

1 a. There shall be provided within the region one or more regional
2 facilities which, together with such other facilities as may be made
3 available to the region, will provide sufficient capacity to manage
4 all wastes generated within the region.

5 (1) Regional facilities shall be entitled to waste generated within
6 the region, unless otherwise provided by the commission. To the
7 extent regional facilities are available, no waste generated within
8 a party state shall be exported to facilities outside the region unless
9 the exportation is approved by the commission and the affected
10 host state(s).

11 (2) After January 1, 1986, no person shall deposit at a regional
12 facility waste generated outside the region, and further, no regional
13 facility shall accept waste generated outside the region, unless ap-
14 proved by the commission and the affected host state(s).

15 b. The rights, responsibilities and obligations of each party state
16 to this compact are as follows:

17 (1) Each party state shall have the right to have all wastes
18 generated within its borders managed at regional facilities, and
19 shall have the right of access to facilities made available to the
20 region through agreements entered into by the commission pur-
21 suant to Article IV i. (11). The right of access by a generator
22 within a party state to any regional facility is limited by the
23 generator's adherence to applicable state and federal laws and
24 regulations and the provisions of this compact.

25 (2) To the extent not prohibited by federal law, each party state
26 shall institute procedures which will require shipments of low-level
27 waste generated within or passing through its borders to be con-
28 sistent with applicable federal packaging and transportation regu-
29 lations and applicable host state packaging and transportation
30 regulations for management of low-level waste; provided, however,
31 that these practices shall not impose unreasonable, burdensome
32 impediments to the management of low-level waste in the region.
33 Upon notification by a host state that a generator, shipper, or car-
34 rier within the party state is in violation of applicable packaging
35 or transportation regulations, the party state shall take appro-
36 priate action to ensure that the violations do not recur.

37 (3) Each party state may impose reasonable fees upon gener-

38 ators, shippers, or carriers to recover the cost of inspections and
39 other practices under this compact.

40 (4) Each party state shall encourage generators within its
41 borders to minimize the volume of waste requiring disposal.

42 (5) Each party state has the right to rely on the good faith
43 performance by every other party state of acts which ensure the
44 provision of facilities for regional availability and their use in a
45 manner consistent with this compact.

46 (6) Each party state shall provide, to the commission any data
47 and information necessary for the implementation of the commis-
48 sion's responsibilities, and shall establish the capability to obtain
49 any data and information necessary to meet its obligation as herein
50 defined.

51 (7) Each party state shall have the capability to host a regional
52 facility in a timely manner and to ensure the post-closure observa-
53 tion and maintenance, and institutional control of any regional
54 facility within its borders.

55 (8) No nonhost party state shall be liable for any injury to
56 persons or property resulting from the operation of a regional
57 facility or the transportation of waste to a regional facility; how-
58 ever, if the host state itself is the operator of the regional facility,
59 its liability shall be that of any private operator.

60 c. The rights, responsibilities and obligations of a host state are
61 as follows:

62 (1) To the extent not prohibited by federal law, a host state shall
63 ensure the timely development and the safe operation, closure,
64 post-closure observation and maintenance, and institutional control
65 of any regional facility within its borders.

66 (2) In accordance with procedures established in Articles V and
67 IX, the host state shall provide for the establishment of a reasona-
68 ble structure of fees sufficient to cover all costs related to the
69 development, operation, closure, post-closure observation and
70 maintenance, and institutional control of a regional facility. It
71 may also establish surcharges to cover the regulatory costs, in-
72 centives, and compensation associated with a regional facility;
73 provided, however, that without the express approval of the com-
74 mission, no distinction in fees or surcharges shall be made between
75 persons of the several states party to this compact.

76 (3) To the extent not prohibited by federal law, a host state may
77 establish requirements and regulations pertaining to the manage-
78 ment of waste at a regional facility; provided, however, that the
79 requirements shall not impose unreasonable impediments to the
80 management of low-level waste within the region. Nor may a host

81 state or a subdivision impose any restrictive requirements on the
82 siting or operation of a regional facility that, alone or as a whole,
83 they serve as unreasonable barriers or prohibitions to the siting
84 or operation of the facility.

85 (4) Each host state shall submit to the commission annually a
86 report concerning each operating regional facility within its
87 borders. The report shall contain projections of the anticipated
88 future capacity and availability of the regional facility, a financial
89 audit of its operation, and other information as may be required
90 by the commission; and in the case of regional facilities in institu-
91 tional control or otherwise no longer operating, the host states
92 shall furnish information as may be required on the facilities still
93 subject to their jurisdiction.

94 (5) A host state shall notify the commission immediately if any
95 exigency arises which requires the permanent, temporary, or pos-
96 sible closure of any regional facility located therein at a time earlier
97 than projected in its most recent annual report to the commission.
98 The commission may conduct studies, hold hearings, or take such
99 other measures to ensure that the actions taken are necessary and
100 compatible with the obligations of the host state under this compact.

ARTICLE IV. THE COMMISSION

1 a. There is created the Northeast Interstate Low-Level Radio-
2 active Waste Commission. The commission shall consist of one
3 member from each party state to be appointed by the Governor
4 according to procedures of each party state, except that a host state
5 shall have two members during the period that it has an operating
6 regional facility. The Governor shall notify the commission in
7 writing of the identity of the member and one alternate, who may
8 act on behalf of the member only in the member's absence.

9 b. Each commission member shall be entitled to one vote. No
10 action of the commission shall be binding unless a majority of the
11 total membership cast their vote in the affirmative.

12 c. The commission shall elect annually from among its members
13 a presiding officer and such other officers as it deems appropriate.
14 The commission shall adopt and publish, in convenient form, rules
15 and regulations as are necessary for due process in the performance
16 of its duties and powers under this compact.

17 d. The commission shall meet at least once a year and shall also
18 meet upon the call of the presiding officer, or upon the call of a
19 party state member.

20 e. All meetings of the commission shall be open to the public
21 with reasonable prior public notice. The commission may, by

22 majority vote, close a meeting to the public for the purpose of con-
23 sidering sensitive personnel or legal matters. All commission
24 actions and decisions shall be made in open meetings and appro-
25 priately recorded. A roll call vote may be required upon request
26 of any party state or the presiding officer.

27 f. The commission may establish such committees as it deems
28 necessary.

29 g. The commission may appoint, contract for, and compensate
30 limited staff as it determines necessary to carry out its duties and
31 functions. The staff shall serve at the commission's pleasure
32 irrespective of the civil service, personnel or other merit laws of
33 any of the party states or the federal government and shall be com-
34 pensated from funds of the commission.

35 h. The commission shall adopt an annual budget for its opera-
36 tions.

37 i. The commission shall have the following duties and powers:

38 (1) The commission shall receive and act on the application of
39 a nonparty state to become an eligible state in accordance with
40 Article VII e.

41 (2) The commission shall receive and act on the application of
42 an eligible state to become a party state in accordance with Article
43 VII b.

44 (3) The commission shall submit an annual report to and other-
45 wise communicate with the governors and the presiding officer of
46 each body of the legislature of the party states regarding the
47 activities of the commission.

48 (4) Upon request of party states, the commission shall mediate
49 disputes which arise between the party states regarding this com-
50 pact.

51 (5) The commission shall develop, adopt and maintain a regional
52 management plan to ensure safe and effective management of waste
53 within the region, pursuant to Article V.

54 (6) The commission may conduct legislative or adjudicatory
55 hearings, and require reports, studies, evidence and testimony as
56 are necessary to perform its duties and functions.

57 (7) The commission shall establish by regulation, after public
58 notice and opportunity for comment, procedural regulations as
59 deemed necessary to ensure efficient operation, the orderly gather-
60 ing of information, and the protection of the rights of due process
61 of affected persons.

62 (8) In accordance with the procedures and criteria set forth in
63 Article V, the commission shall accept a host state's proposed
64 facility as a regional facility.

65 (9) In accordance with the procedures and criteria set forth in
66 Article V, the commission may designate, by a two-thirds vote, host
67 states for the establishment of needed regional facilities. The
68 commission shall not exercise this authority unless the party states
69 have failed to voluntarily pursue the development of these
70 facilities.

71 (10) The commission may require of and obtain from party
72 states, eligible states seeking to become party states, and non-party
73 states seeking to become eligible states, data and information
74 necessary for the implementation of commission responsibilities.

75 (11) The commission may enter into agreements with any person,
76 state, regional body, or group of states for the importation of waste
77 into the region and for the right of access to facilities outside the
78 region for waste generated within the region. This authorization
79 to import requires a two-thirds majority vote of the commission,
80 including an affirmative vote of the representatives of the host
81 state in which any affected regional facility is located. This shall
82 be done only after the commission and the host state have made an
83 assessment of the affected facilities' capability to handle these
84 wastes and of relevant environmental, economic, and public health
85 factors, as defined by the appropriate regulatory authorities.

86 (12) The commission may, upon petition, grant an individual
87 generator or group of generators in the region the right to export
88 wastes to a facility located outside the region. A grant of right shall
89 be for a period of time and amount of waste and on such other
90 terms and conditions as determined by the commission and ap-
91 proved by the affected host states.

92 (13) The commission may appear as an intervenor or party in
93 interest before any court of law, federal, state or local agency,
94 board or commission that has jurisdiction over the management of
95 wastes. The authority to intervene or otherwise appear shall be
96 exercised only after a two-thirds vote of the commission. In order
97 to represent its views, the commission may arrange for any expert
98 testimony, reports, evidence or other participation as it deems
99 necessary.

100 (14) The commission may impose sanctions, including but not
101 limited to, fines, suspension of privileges or revocation of the mem-
102 bership of a party state in accordance with Article VII. The com-
103 mission shall have the authority to revoke, in accordance with
104 Article VII g., the membership of a party state that creates un-
105 reasonable barriers to the siting of a needed regional facility or
106 refuses to accept host state responsibilities upon designation by
107 the commission.

108 (15) The commission shall establish by regulation criteria for
109 and shall review the fee and surcharge systems in accordance with
110 Articles V and IX.

111 (16) The commission shall review the capability of party states
112 to ensure the siting, operation, post-closure observation and
113 maintenance, and institutional control of any facility within its
114 borders.

115 (17) The commission shall review the compact legislation every
116 five years prior to federal congressional review provided for in the
117 act, and may recommend legislative action.

118 (18) The commission has the authority to develop and provide
119 to party states rules, regulations and guidelines as it deems appro-
120 priate for the efficient, consistent, fair and reasonable implementa-
121 tion of the compact.

122 j. There is hereby established a commission operating account.
123 The commission is authorized to expend moneys from the account
124 for the expenses of any staff and consultants designated under
125 section g. of this article and for official commission business.
126 Financial support for the commission account shall be provided as
127 follows:

128 (1) Each eligible state, upon becoming a party state, shall pay
129 \$70,000.00 to the commission, which shall be used for administrative
130 costs of the commission.

131 (2) The commission shall impose a "commission surcharge" per
132 unit of waste received at any regional facility as provided in
133 Article V.

134 (3) Until such time as at least one regional facility is in opera-
135 tion and accepting waste for management, or to the extent that
136 revenues under paragraphs (1) and (2) of this section are un-
137 available or insufficient to cover the approved annual budget of the
138 commission, each party state shall pay an apportioned amount of
139 the difference between the funds available and the total budget in
140 accordance with the following formula:

141 (a) 20% in equal shares;

142 (b) 30% in the proportion that the population of the party
143 state bears to the total population of all party states, according
144 to the most recent United States census;

145 (c) 50% in the proportion that the waste generated for
146 management in each party state bears to the total waste
147 generated for management in the region for the most recent
148 calendar year in which reliable data are available, as deter-
149 mined by the commission.

150 k. The commission shall keep accurate accounts of all receipts.

151 and disbursements. An independent certified public accountant
152 shall annually audit all receipts and disbursements of commission
153 accounts and funds and submit an audit report to the commission.
154 The audit report shall be made a part of the annual report of the
155 commission required by Article IV i. (3).

156 1. The commission may accept, receive, utilize and dispose for
157 any of its purposes and functions any donations, loans, grants of
158 money, equipment, supplies, materials and services, conditional or
159 otherwise, from any state or the United States or any subdivision
160 or agency thereof, or interstate agency, or from any institution,
161 person, firm or corporation. The nature, amount and condition, if
162 any, attendant upon any donation, loan, or grant accepted pursuant
163 to this paragraph, together with the identity of the donor, grantor,
164 or lender, shall be detailed in the annual report of the commission.
165 The commission shall by rule establish guidelines for the acceptance
166 of donations, loans, grants of money, equipment, supplies, materials
167 and services. This shall provide that no donor, grantor or lender
168 may derive unfair or unreasonable advantage in any proceeding
169 before the commission.

170 m. The commission herein established is a body corporate and
171 politic, separate and distinct from the party states and shall be so
172 liable for its own actions. Liabilities of the commission shall not be
173 deemed liabilities of the party states, nor shall members of the
174 commission be personally liable for action taken by them in their
175 official capacity.

176 (1) The commission shall not be responsible for any costs or
177 expenses associated with the creation, operation, closure, post-
178 closure observation and maintenance, and institutional control of
179 any regional facility, or any associated regulatory activities of the
180 party states.

181 (2) Except as otherwise provided herein, this compact shall not
182 be construed to alter the incidence of liability of any kind for any
183 act, omission, or course of conduct. Generators, shippers and
184 carriers of wastes, and owners and operators of sites shall be liable
185 for their acts, omissions, conduct, or relationships in accordance
186 with all laws relating thereto.

187 n. The United States district courts in the District of Columbia
188 shall have original jurisdiction of all actions brought by or against
189 the commission. Any such action initiated in a state court shall be
190 removed to the designated United States district court in the
191 manner provided by Act of June 25, 1948 as amended (28 U. S. C.
192 § 1446). This section shall not alter the jurisdiction of the United
193 States Court of Appeals for the District of Columbia Circuit to

194 review the final administrative decisions of the commission as set
195 forth in the paragraph below.

196 o. The United States Court of Appeals for the District of
197 Columbia Circuit shall have jurisdiction to review the final admin-
198 istrative decisions of the commission.

199 (1) Any person aggrieved by a final administrative decision may
200 obtain review of the decision by filing a petition for review within
201 60 days after the commission's final decision.

202 (2) In the event that review is sought of the commission's
203 decision relative to the designation of a host state, the Court of
204 Appeals shall accord the matter an expedited review, and, if the
205 court does not rule within 90 days after a petition for review has
206 been filed, the commission's decision shall be deemed to be affirmed.

207 (3) The courts shall not substitute their judgment for that of
208 the commission as to the decisions of policy or weight of the evi-
209 dence on questions of fact. The court may affirm the decision of the
210 commission or remand the case for further proceedings if it finds
211 that the petitioner has been aggrieved because the finding, in-
212 ferences, conclusions or decisions of the commission are:

213 (a) In violation of the Constitution of the United States;

214 (b) In excess of the authority granted to the commission
215 by this compact;

216 (c) Made upon unlawful procedure to the detriment of any
217 person;

218 (d) Arbitrary or capricious or characterized by abuse of
219 discretion or clearly unwarranted exercise of discretion.

220 (4) The commission shall be deemed to be acting in a legislative
221 capacity except in those instances where it decides, pursuant to its
222 rules and regulations, that its determinations are adjudicatory in
223 nature.

ARTICLE V. HOST STATE SELECTION AND DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES

1 a. The commission shall develop, adopt, maintain, and implement
2 a regional management plan to ensure the safe and efficient man-
3 agement of waste within the region. The plan shall include the
4 following:

5 (1) A current inventory of all generators within the region;

6 (2) A current inventory of all facilities within the region, in-
7 cluding information on the size, capacity, location, specific waste
8 being handled, and projected useful life of each facility;

9 (3) Consistent with considerations for public health and safety
10 as defined by appropriate regulatory authorities, a determination
11 of the type and number of regional facilities which are presently

12 necessary and projected to be necessary to manage waste generated
13 within the region;

14 (4) Reference guidelines, as defined by appropriate regulatory
15 authorities, for the party states for establishing the criteria and
16 procedures to evaluate locations for regional facilities.

17 b. The commission shall develop and adopt criteria and proce-
18 dures for reviewing a party state which volunteers to host a re-
19 gional facility within its borders. These criteria shall be developed
20 with public notice and shall include the following factors: the
21 capability of the volunteering party state to host a regional facility
22 in a timely manner and to ensure its post-closure observation and
23 maintenance, and institutional control; and the anticipated eco-
24 nomic feasibility of the proposed facility.

25 (1) Any party state may volunteer to host a regional facility
26 within its borders. The commission may set terms and conditions
27 to encourage a party state to volunteer to be the first host state.

28 (2) Consistent with the review required above, the commission
29 shall, upon a two-thirds affirmative vote, designate a volunteering
30 party state to serve as a host state.

31 c. If all regional facilities required by the regional management
32 plan are not developed pursuant to section b., or upon notification
33 that an existing facility will be closed, or upon determination that
34 an additional regional facility is or may be required, the commis-
35 sion shall convene to consider designation of a host state.

36 (1) The commission shall develop and adopt procedures for
37 designating a party state to be a host state for a regional facility.
38 The commission shall base its decision on the following criteria:

39 (a) the health, safety and welfare of citizens of the party
40 states as defined by the appropriate regulatory authorities;

41 (b) the environmental, economic, and social effects of a re-
42 gional facility on the party states;

43 The commission shall also base its decision on the following
44 criteria:

45 (c) economic benefits and costs;

46 (d) the volumes and types of waste generated within each
47 party state;

48 (e) the minimization of waste transportation; and

49 (f) the existence of regional facilities within the party states.

50 (2) Following its established criteria and procedures, the com-
51 mission shall designate by a two-thirds affirmative vote a party
52 state to serve as a host state. A current host state shall have the
53 right of first refusal for a succeeding regional facility.

54 (3) The commission shall conduct such hearings and studies, and

55 take such evidence and testimony as is required by its approved
56 procedures prior to designating a host state. Public hearings shall
57 be held upon request in each candidate host state prior to final
58 evaluation and selection.

59 (4) A party state which has been designated as a host state
60 by the commission and which fails to fulfill its obligations as a host
61 state may have its privileges under the compact suspended or
62 membership in the compact revoked by the commission.

63 d. Each host state shall be responsible for the timely identifica-
64 tion of a site and the timely development and operation of a re-
65 gional facility. The proposed facility shall meet geologic, environ-
66 mental and economic criteria which shall not conflict with applicable
67 federal and host state laws and regulations.

68 (1) To the extent not prohibited by federal law, a host state may
69 regulate and license any facility within its borders.

70 (2) To the extent not prohibited by federal law, a host state shall
71 ensure the safe operation, closure, post-closure observation and
72 maintenance, and institutional control of a facility, including ade-
73 quate financial assurances by the operator and adequate emer-
74 gency response procedures. It shall periodically review and report
75 to the commission on the status of the post-closure and institutional
76 control funds and the remaining useful life of the facility.

77 (3) A host state shall solicit comments from each party state
78 and the commission regarding the siting, operation, financial as-
79 surances, closure, post-closure observation and maintenance, and
80 institutional control of a regional facility.

81 e. A host state intending to close a regional facility within its
82 borders shall notify the commission in writing of its intention and
83 the reasons therefor.

84 (1) Except as otherwise provided, notification shall be given to
85 the commission at least five years prior to the scheduled date of
86 closure.

87 (2) A host state may close a regional facility within its borders
88 in the event of an emergency or if a condition exists which con-
89 stitutes a substantial threat to public health and safety. A host
90 state shall notify the commission in writing within three days of
91 its action and shall, within 30 working days, show justification
92 for the closing.

93 (3) In the event that a regional facility closes before an addi-
94 tional or new facility becomes operational, the commission shall
95 make interim arrangements for the storage or disposal of waste
96 generated within the region until such time that a new regional
97 facility is operational.

98 f. Fees and surcharges shall be imposed equitably upon all users
99 of a regional facility, based upon criteria established by the com-
100 mission.

101 (1) A host state shall, according to its lawful administrative
102 procedures, approve fee schedules to be charged to all users of
103 the regional facility within its borders. Except as provided herein,
104 the fee schedules shall be established by the operator of a regional
105 facility, under applicable state regulations, and shall be reason-
106 able and sufficient to cover all costs related to the development,
107 operation, closure, post-closure observation and maintenance, in-
108 stitutional control of the regional facility. The host state shall
109 determine a schedule for contributions to the post-closure observa-
110 tion and maintenance, and institutional control funds. The fee
111 schedules shall not be approved unless the commission has been
112 given reasonable opportunity to review and make recommendations
113 on the proposed fee schedules.

114 (2) A host state may, according to its lawful administrative
115 procedures, impose a state surcharge per unit of waste received
116 at any regional facility within its borders. The state surcharge
117 shall be in addition to the fees charged for waste management.
118 The surcharge shall be sufficient to cover all reasonable costs as-
119 sociated with administration and regulation of the facility. The
120 surcharge shall not be established unless the commission has been
121 provided reasonable opportunity to review and make recommenda-
122 tions on the proposed state surcharge.

123 (3) The commission shall impose a commission surcharge per
124 unit of waste received at any regional facility. The total moneys
125 collected shall be adequate to pay the costs and expenses of the
126 commission and shall be remitted to the commission on a timely
127 basis as determined by the commission. The surcharge may be
128 increased or decreased as the commission deems necessary.

129 (4) Nothing hereing shall be construed to limit the ability of
130 the host state, or the political subdivision in which the regional
131 facility is situated, to impose surcharges for purposes including,
132 but not limited to, host community compensation and host com-
133 munity development incentives. The surcharges shall be reason-
134 able and shall not be imposed unless the commission has been
135 provided reasonable opportunity to review and make recom-
136 mendations on the proposed surcharge. A surcharge may be re-
137 covered through the approved fee and surcharge schedules pro-
138 vided for in this section.

ARTICLE VI. OTHER LAWS AND REGULATIONS

- 1 a. Nothing in this compact shall be construed to abrogate or
2 limit the regulatory responsibility or authority of the United States
3 Nuclear Regulatory Commission or of an Agreement State under
4 Section 274 of the Atomic Energy Act of 1954, as amended.
- 5 b. The laws or portions of those laws of a party state that are
6 not inconsistent with this compact remain in full force.
- 7 c. Nothing in this compact shall make unlawful the continued
8 development and operation of any facility already licensed for
9 development or operation on the date this compact becomes
10 effective.
- 11 d. No judicial or administrative proceeding pending on the
12 effective date of the compact shall be affected by the compact.
- 13 e. Except as provided for in Article III b. (2) and c. (3), this
14 compact shall not affect the relations between and the respective
15 internal responsibilities of the government of a party state and
16 its subdivisions.
- 17 f. The generation, treatment, storage, transportation, or disposal
18 of waste generated by the atomic energy defense activities of the
19 federal government as defined in Pub. L. 96-573, or federal research
20 and development activities are not affected by this compact
- 21 g. To the extent that the rights and powers of any state or
22 political subdivision to license and regulate any facility within its
23 borders and to impose taxes, fees, and surcharges on the waste
24 managed at that regional facility do not operate as an unreasonable
25 impediment to the transportation, treatment or disposal of waste,
26 the rights and powers shall not be diminished by this compact.
- 27 h. No party state shall enact any law or regulation or attempt to
28 enforce any measure which is inconsistent with this compact. These
29 measures may provide the basis for the commission to suspend or
30 terminate a party state's membership and privileges under this
31 compact.
- 32 i. All laws and regulations, or parts thereof of any party state or
33 subdivision or instrumentality thereof which are inconsistent with
34 this compact are repealed and declared void. Any legal right,
35 obligation, violation or penalty arising under these laws or regula-
36 tions prior to the enactment of this compact, or not in conflict with
37 it, shall not be affected.
- 38 j. Subject to Article III c. (2), no law or regulation of a party
39 state or subdivision or instrumentality thereof may be applied so
40 as to restrict or make more costly or inconvenient access to any
41 regional facility by the generators of another party state than for
42 the generators of the state where the facility is situated.

43 k. No law, ordinance, or regulation of any party state or any
44 subdivision or instrumentality thereof shall prohibit, suspend, or
45 unreasonably delay, limit or restrict the operation of a siting or
46 licensing agency in the designation, siting, or licensing of a
47 regional facility. Any such provision in existence at the time of
48 ratification of this compact is repealed.

ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION,
ENTRY INTO FORCE, TERMINATION

1 a. The initially eligible parties to this compact shall be the 11
2 states of Connecticut, Delaware, Maine, Maryland, Massachusetts,
3 New Hampshire, New Jersey, New York, Pennsylvania, Rhode
4 Island, and Vermont. Initial eligibility will expire June 30, 1984.

5 b. Each state eligible to become a party state to this compact
6 shall be declared a party state upon enactment of this compact into
7 law by the state, repeal of all statutes or statutory provisions that
8 pose unreasonable impediments to the capability of the state to
9 host a regional facility in a timely manner, and upon payment of
10 the fees required by Article IV j. (1). An eligible state may be-
11 come a party to this compact by an executive order by the governor
12 of the state and upon payment of the fees required by Article IV j.
13 (1). However, any state which becomes a party state by executive
14 order shall cease to be a party state upon the final adjournment
15 of the next general or regular session of its legislature, unless this
16 compact has by then been enacted as a statute by the state and all
17 statutes and statutory provisions that conflict with the compact
18 have been repealed.

19 c. The compact shall become effective in a party state upon
20 enactment by that state. It shall not become initially effective in
21 the region until enacted into law by three party states and consent
22 given to it by the Congress.

23 d. The first three states eligible to become party states to this
24 compact which adopt this compact into law as required in Article
25 VII b. shall immediately, upon the appointment of their commission
26 members, constitute themselves as the Northeast Interstate Low-
27 Level Radioactive Waste Commission. They shall cause legislation
28 to be introduced in the Congress which grants the consent of the
29 Congress to this compact, and shall do those things necessary to
30 organize the commission and implement the provisions of this
31 compact.

32 (1) The commission shall be the judge of the qualifications of
33 the party states and of its members and of their compliance with
34 the conditions and requirements of this compact and of the laws
35 of the party states relating to the enactment of this compact.

36 (2) All succeeding states eligible to become party states to this
37 compact shall be declared party states pursuant to the provisions
38 of section b. of this article.

39 e. Any state not expressly declared eligible to become a party
40 state to this compact in section a. of this article may petition the
41 commission to be declared eligible. The commission may establish
42 such conditions as it deems necessary and appropriate to be met
43 by a state requesting eligibility as a party state to this compact
44 pursuant to the provisions of this section, including a public hearing
45 on the application. Upon satisfactorily meeting such conditions
46 and upon the affirmative vote of two-thirds of the commission,
47 including the affirmative vote of the representatives of the host
48 states in which any affected regional facility is located, the petition-
49 ing state shall be eligible to become a party state to this compact
50 and may become a party state in the same manner as those states
51 declared eligible in section a. of this article.

52 f. No state holding membership in any other regional compact
53 for the management of low-level radioactive waste may become
54 a member of this compact.

55 g. Any party state which fails to comply with the provisions of
56 this compact or to fulfill its obligations hereunder may have its
57 privileges suspended or, upon a two-thirds vote of the commission,
58 after full opportunity for hearing and comment, have its member-
59 ship in the compact revoked. Revocation shall take effect one year
60 from the date the affected party state receives written notice from
61 the commission of its action. All legal rights of the affected party
62 state established under this compact shall cease upon the effective
63 date of revocation, except that any legal obligations of that party
64 state arising prior to revocation will not cease until they have
65 been fulfilled. As soon as practicable after a commission decision
66 suspending or revoking party state status, the commission shall
67 provide written notice of the action and a copy of the resolution
68 to the governors and the presiding officer of each body of the state
69 legislatures of the party states, and to chairmen of the appropriate
70 committees of the Congress.

71 h. Any party state may withdraw from this compact by repealing
72 its authorization legislation, and all legal rights under this compact
73 of the party state cease upon repeal. However, no withdrawal shall
74 take effect until five years after the Governor of the withdrawing
75 state has given notice in writing of the withdrawal to the com-
76 mission and to the governor of each party state. No withdrawal
77 shall affect any liability already incurred by or chargeable to a
78 party state prior to that time.

79 (1) Upon receipt of the notification, the commission shall, as
80 soon as practicable, provide copies to the governors and the pre-
81 siding officer of each body of the state legislatures of the party
82 states, and to the chairmen of the appropriate committees of the
83 Congress.

84 (2) A regional facility in a withdrawing state shall remain
85 available to the region for five years after the date the commission
86 receives written notification of the intent to withdraw or until the
87 prescheduled date of closure, which ever occurs first.

88 i. This compact may be terminated only by the affirmative action
89 of the Congress or by the repeal of all laws enacting the compact
90 in each party state. The Congress may by law withdraw its consent
91 every five years after the compact takes effect.

92 (1) The consent given to this compact by the Congress shall
93 extend to any future admittance of new party states under sections
94 b. and e. of this article.

95 (2) The withdrawal of a party state from this compact under
96 section h. or the revocation of a state's membership in this compact
97 under section g. of this article shall not affect the applicability of
98 the compact to the remaining party states.

ARTICLE VIII. PENALTIES

1 a. Each party state, consistent with federal and host state
2 regulations and laws, shall enforce penalties against any person
3 not acting as an official of a party state for violation of this compact
4 in the party state. Each party state acknowledges that the shipment
5 to a host state of waste packaged or transported in violation of
6 applicable laws and regulations can result in the imposition of
7 sanctions by the host state. These sanctions may include, but are
8 not limited to, suspension or revocation of the violator's right of
9 access to the facility in the host state.

10 b. Without the express approval of the commission, it shall be
11 unlawful for any person to dispose of any low-level waste within
12 the region except at a regional facility; provided, however, that
13 this restriction shall not apply to waste which is permitted by
14 applicable federal or state regulations to be discarded without
15 regard to its radioactivity.

16 c. Unless specifically approved by the commission and affected
17 host state(s) pursuant to Article IV, it shall be a violation of this
18 compact for: (1) any person to deposit at a regional facility waste
19 not generated within the region; (2) any regional facility to accept
20 waste not generated within the region; and (3) any person to export
21 from the region waste generated within the region.

22 d. Primary responsibility for enforcing the provisions of the law
23 will rest with the affected state or states. The commission, upon a
24 two-thirds vote of its members, may bring action to seek enforce-
25 ment or appropriate remedies against violators of the provisions
26 and regulations for this compact as provided for in Article IV.

ARTICLE IX. COMPENSATION PROVISIONS

1 a. The responsibility for ensuring compensation and clean-up
2 during the operational and post-closure periods rests with the host
3 state, as set forth herein.

4 (1) The host state shall ensure the availability of funds and
5 procedures for compensation of injured persons, including facility
6 employees, and property damage, except any possible claims for
7 diminution of property values, due to the existence and operation
8 of a regional facility, and for clean-up and restoration of the facility
9 and surrounding areas.

10 (2) The state may satisfy this obligation by requiring bonds,
11 insurance, compensation funds, or any other means or combination
12 of means, imposed either on the facility operator or assumed by
13 the state itself, or both. Nothing in this article alters the liability
14 of any person or governmental entity under applicable state and
15 federal laws.

16 b. The commission shall provide a means of compensation for
17 persons injured or property damaged during the institutional
18 control period due to the radioactive and waste management nature
19 of the regional facility. This responsibility may be met by a special
20 fund, insurance, or other means.

21 (1) The commission is authorized, at its discretion, to impose a
22 waste management surcharge, to be collected by the operator or
23 owner of the regional facility; to establish a separate insurance
24 entity, formed by but separate from the commission itself, but
25 under such terms and conditions as it decides, and exempt from
26 state insurance regulations; to contract with this company or other
27 entity for coverage; or to take any other measures, or combination
28 of measures, to implement the goals of this section.

29 (2) The existence of this fund or other means of compensation
30 shall not imply any liability by the commission, the non-host party
31 states, or any of their officials and staff, which are exempted from
32 liability by other provisions of this compact. Claims or suits for
33 compensation shall be directed against the fund, the insurance
34 company, or other entity, unless the commission, by regulation,
35 directs otherwise.

36 c. Notwithstanding any other provisions, the commission fund,

37 insurance, or other means of compensation shall also be available
 38 for third party relief during the operational and post-closure
 39 periods, as the commission may direct, but only to the extent that
 40 no other funds, insurance, tort compensation, or other means are
 41 available from the host state or other entities, under section a. of
 42 this Article or otherwise; provided, that this commission contribu-
 43 tion shall not apply to clean-up or restoration of the regional
 44 facility and its environs during the operational and post-closure
 45 period.

46 d. The liability of the commission's fund, insurance entity, or
 47 any other means of compensation shall be limited to the amount
 48 currently contained therein; provided that the commission may set
 49 some lower limit to ensure the integrity and availability of the
 50 fund or other entity for liability.

ARTICLE X. SEVERABILITY AND CONSTRUCTION

1 The provisions of this compact shall be severable, and if any
 2 phrase, clause, sentence or provision of this compact is declared
 3 by a federal court of competent jurisdiction to be contrary to the
 4 Constitution of the United States or the applicability thereof to
 5 any government, agency, person or circumstance is held invalid,
 6 the validity of the remainder of this compact and the applicability
 7 thereof to any other government, agency, person or circumstance
 8 shall not be affected thereby. The provisions of this compact shall
 9 be liberally construed to give effect to the purposes thereof.

1 3. There is appropriated from the General Fund to the North-
 2 east Interstate Low-Level Radioactive Waste Commission created
 3 in Article IV of the Northeast Interstate Low-Level Radioactive
 4 Waste Management Compact, as set forth in section 2 of this act,
 5 the sum of \$70,000.00, to fulfill New Jersey's obligation as a party
 6 state for the initial administrative costs of the commission pur-
 7 suant to Article IV, section j., paragraph (1) of that compact.

1 4. This act shall take effect immediately, but shall remain in-
 2 operative until the Northeast Interstate Low-Level Waste Manage-
 3 ment Compact is enacted and entered into by at least two other
 4 jurisdictions.

STATEMENT

This measure would enact the Northeast Interstate Low-Level Radioactive Waste Management Compact, and enter New Jersey as a party state therein. The compact would be formally established upon the enactment of substantially identical legislation by at least two of the other eligible northeastern states, and the subsequent ratification of this compact by Congress.

The impetus behind this bill was the enactment by the federal government of the "Low-Level Radioactive Waste Policy Act," Pub. L. 96-573 (42 U. S. C. § 2021 b. et seq.) which as of January 1, 1986 makes each state responsible for providing disposal capacity for the low-level radioactive waste generated within its borders, except waste generated as a result of atomic energy defense activities or federal research and development activities.

During the 1950's, low-level radioactive waste, materials that had been contaminated with relatively short-lived radioactive elements or radionuclides produced as a result of the use of radioactive materials in medical diagnosis and treatment, research, industrial processes, and electrical power generation, but not spent fuel, were disposed of at federally-owned and operated sites, or into the oceans. Since the 1960's New Jersey, along with the other states, has been transporting the low-level radioactive waste generated within its borders to one of the commercially owned and operated, federally-licensed disposal sites, only three of which remain operational today. The increasing volumes of low-level radioactive waste being generated, the accident at Three Mile Island, the increasing number of violations of packaging and transportation regulations governing radioactive waste, the temporary closing of the existing facilities in the States of Washington and Nevada, a phased 50% reduction in the volume of waste received at the South Carolina facility, and a State of Washington initiative to ban out-of-state waste have all been factors motivating the establishment of the new federal policy.

While requiring that each state provide for the disposal of all low-level radioactive wastes generated within its borders, the federal "Low-Level Radioactive Waste Policy Act" endorsed the concept of regional solutions to the problem. It encouraged the joint participation of the states of a region to enter compacts to site and operate regional facilities by authorizing compact states to refuse to accept wastes from non-compact states, which they would otherwise be constitutionally barred from doing.

The Northeast Interstate Low-Level Radioactive Waste Management Compact embodied in this bill is designed to provide the legal framework for a cooperative regional approach to meeting state responsibilities under the federal act, and to assure the proper, safe, and efficient management and disposal of these wastes.

MAJOR PROVISIONS

1. The compact requires the party states individually and through the regional commission comprising their representatives, to provide for the timely establishment of a regional facility by one of their number, and the commitment of party states and the commission to a coordinated regional approach to low-level radioactive waste management. It implicitly pledges the good faith of the State to meet its obligations under the compact.

2. The compact establishes the Northeast Interstate Low-Level Radioactive Waste Commission as an advisory and coordinative body to administer the compact. The commission's role is to ensure that the states' collective interests are considered in the siting, development, and management of a regional facility, and that the member states comply with the compact.

3. The compact establishes a process for selecting a state to host a facility, though the siting, development and management of that facility would remain under the jurisdiction of that state, consistent with federal law.

4. The compact sets forth the terms and conditions under which a state joins or withdraws from the compact. Reflecting the contractual nature of the charter, it provides for penalties and sanctions, including revocation of membership for states which fail to meet their agreed upon obligations.

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This measure would enact the Northeast Interstate Low-Level Radioactive Waste Management Compact, and enter New Jersey as a party state therein. The compact would be formally established upon the enactment of substantially identical legislation by at least two of the other eligible northeastern states, and the subsequent ratification of this compact by Congress.

A3256(1983)

The impetus behind this bill was the enactment by the federal government of the "Low-Level Radioactive Waste Policy Act," Pub. L. 96-573 (42 U. S. C. § 2021 b. et seq.) which as of January 1, 1986 makes each state responsible for providing disposal capacity for the low-level radioactive waste generated within its borders, except waste generated as a result of atomic energy defense activities or federal research and development activities.

During the 1950's, low-level radioactive waste, materials that had been contaminated with relatively short-lived radioactive elements or radionuclides produced as a result of the use of radioactive materials in medical diagnosis and treatment, research, industrial processes, and electrical power generation, but not spent fuel, were disposed of at federally-owned and operated sites, or into the oceans. Since the 1960's New Jersey, along with the other states, has been transporting the low-level radioactive waste generated within its borders to one of the commercially owned and operated, federally-licensed disposal sites, only three of which remain operational today. The increasing volumes of low-level radioactive waste being generated, the accident at Three Mile Island, the increasing number of violations of packaging and transportation regulations governing radioactive waste, the temporary closing of the existing facilities in the States of Washington and Nevada, a phased 50% reduction in the volume of waste received at the South Carolina facility, and a State of Washington initiative to ban out-of-state waste have all been factors motivating the establishment of the new federal policy.

While requiring that each state provide for the disposal of all low-level radioactive wastes generated within its borders, the federal "Low-Level Radioactive Waste Policy Act" endorsed the concept of regional solutions to the problem. It encouraged the joint participation of the states of a region to enter compacts to site and operate regional facilities by authorizing compact states to refuse to accept wastes from non-compact states, which they would otherwise be constitutionally barred from doing.

The Northeast Interstate Low-Level Radioactive Waste Management Compact embodied in this bill is designed to provide the legal framework for a cooperative regional approach to meeting state responsibilities under the federal act, and to assure the proper, safe, and efficient management and disposal of these wastes.

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1. The compact requires the party states individually and through the regional commission comprising their representatives, to provide for the timely establishment of a regional facility by one of their number, and the commitment of party states and the commission to a coordinated regional approach to low-level radioactive waste management. It implicitly pledges the good faith of the State to meet its obligations under the compact.

2. The compact establishes the Northeast Interstate Low-Level Radioactive Waste Commission as an advisory and coordinative body to administer the compact. The commission's role is to ensure that the states' collective interests are considered in the siting, development, and management of a regional facility, and that the member states comply with the compact.

3. The compact establishes a process for selecting a state to host a facility, though the siting, development and management of that facility would remain under the jurisdiction of that state, consistent with federal law.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3256

STATE OF NEW JERSEY

DATED: APRIL 18, 1983

This measure would enact the Northeast Interstate Low-Level Radioactive Waste Management Compact, and enter New Jersey as a party state therein. The compact would be formally established upon the enactment of substantially identical legislation by at least two of the other eligible northeastern states, and the subsequent ratification of this compact by Congress.

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The Northeast Interstate Low-Level Radioactive Waste Management Compact embodied in this bill is designed to provide the legal framework for a cooperative regional approach to meeting state responsibilities under the federal act, and to assure the proper, safe, and efficient management and disposal of these wastes.

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4. The compact sets forth the terms and conditions under which a state joins or withdraws from the compact. Reflecting the contractual nature of the charter, it provides for penalties and sanctions, including revocation of membership for states which fail to meet their agreed upon obligations.

The committee wishes it to be noted that the favorable vote reflects its conviction of the need to act promptly and decisively, its conceptual and general approval of the provisions of the Compact, and its earnest desire to demonstrate a good faith commitment to the cooperative effort undertaken by the eleven coalition states to solve a common problem in the most efficient, most effective, and most economical manner.

The committee reports the bill favorably, however, with the understanding that: (1) any statute, rule or regulation deemed to be in

conflict with, or obstructive to, the good faith participation of New Jersey in this Compact need be repealed, amended, or limited only to the extent necessary to remove the inconsistency or obstruction, and in all other circumstances and respects, remains in full force; and (2) that it is the intention of the Policy Working Group representing New Jersey to seek an omnibus amendment to the present Compact legislation which will address the responsible and legitimate concerns expressed at the public hearing on the measure.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, SEPTEMBER 1, 1983

Governor Thomas H. Kean today signed legislation authorizing New Jersey's participation in the Northeast Interstate Low Level Radioactive Waste Management Compact.

New Jersey thus becomes the fourth state to enter the compact. Connecticut, Delaware and Maryland have already enacted ratifying legislation. The remaining states which are eligible for membership are Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont.

The Compact provides a legal framework for a cooperative regional approach to meeting State responsibilities under the Federal Low Level Radioactive Waste Policy Act of 1980, which makes every state responsible for the commercial low level waste generated within its borders.

After January 1, 1986, regional disposal facilities may legally refuse to accept wastes from states which have not entered the Compact.

New Jersey' entry into the compact is by way of A-3256, sponsored by Assemblyman John O. Bennett, R-Monmouth.

"This is a vitally important piece of legislation," Kean said. "It is clear that radioactive wastes are going to be a fact of life in the foreseeable future. To bury our head in the sand and refuse to act for the protection of all our citizens would be the height of irresponsibility."

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185 W. State Street
Trenton, N. J.

Northeast Interstate Low Level Radioactive Waste Management Compact

Thursday, September 1, 1983

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"Our failure to enter this Compact could only result in enormous costs being placed on the shoulders of New Jersey's taxpayers in the future. Our membership in the Compact ensures that New Jersey will have a hand in determining how and where these wastes will be treated, and will allow us to share the costs associated with disposal with other states," the Governor added.

The Compact establishes the Northeast Interstate Low Level Radioactive Waste Commission as an advisory and coordinating group to administer the Compact. The Commission would have no operational or regulatory authority over a disposal facility. Its role would be limited to ensuring that the states' collective interests are considered in the siting, development and management of a regional facility, and ensuring that member states comply with the Compact.

The Commission will also gather information and help plan for waste disposal in the region.

It will also have the authority to designate a host state for a regional facility if no state volunteers. The Commission will initially be made up of one representative from each state, although host states will have two representatives on the Commission.

The Compact sets forth the criteria on which selection of a host state are to be made. They are limited to health, safety and welfare; environmental, economic and social effects of a facility; benefits and costs; waste volume and types generated in each party state, minimization of waste transportation and the existence of regional facilities in a party state.

- more -

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Thursday, September 1, 1983

Page Three

Designation of a host state would require a two-thirds vote by the Commission.

"I want to compliment the Governor for taking the lead on this very important problem," Bennett said. "Protecting New Jersey's interests on this issue now will pay great dividends for us in future years. I'm proud to have been able to represent the State in the development of this Compact."

Bennett was the New Jersey representative on the Policy Working Group established by the Coalition of Northeastern Governors to develop the Compact.

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