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P.L. 2002, CHAPTER 105, *approved December 2, 2002*

Senate Bill No. 1688 (*First Reprint*)

1 AN ACT concerning low-level radioactive waste, amending P.L.1987,
2 c.333 and P.L.1991, c.166, and repealing parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1987, c.333 (C.13:1E-179) is amended to read
8 as follows:

9 3. As used in this act:

10 [a. "Board" means the New Jersey Low-Level Radioactive Waste
11 Disposal Facility Siting Board created pursuant to section 4 of this act;

12 b.] "Class of low-level radioactive waste" means a designation of
13 low-level radioactive waste by the United States Nuclear Regulatory
14 Commission based on the concentration of specific radionuclides in the
15 waste;

16 "Commission" means the Northeast Interstate Low-Level
17 Radioactive Waste Commission created pursuant to Article IV of
18 P.L.1983, c.329 (C.32:31-5);

19 [c. "Committee" means the New Jersey Radioactive Waste
20 Advisory Committee created pursuant to section 6 of this act;

21 d.] "Department" means the Department of Environmental
22 Protection;

23 [e.] "Disposal" means the isolation of low-level radioactive waste
24 from the biosphere for the hazardous life of the waste;

25 [f. "Environmental and health impact statement" means a statement
26 of likely environmental and public health impacts resulting from the
27 construction and operation of the regional low-level radioactive waste
28 disposal facility, and includes an inventory of existing environmental
29 conditions at the site, a project description, an assessment of the
30 impact of the project on the environment and on public health, a listing
31 of unavoidable environmental and public health impacts, and steps to
32 be taken to minimize environmental and public health impacts during
33 construction and operation;

34 g. "Host municipality" means the municipality in which a regional
35 low-level radioactive waste disposal facility is to be located;

36 h.] "Facility" means the land, buildings, equipment, and
37 improvements used or developed for the treatment, storage, or
38 disposal of the low-level radioactive wastes generated within the party
39 states to the Northeast Interstate Low-Level Radioactive Waste
40 Management Compact;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted September 26, 2002.

1 [i.] "Low-level radioactive waste" means radioactive waste that
2 (1) is neither high-level waste nor spent fuel, nor by-product material
3 as defined in paragraph (2) of subsection (e) of 42 U.S.C. s.2014; and
4 (2) is classified by the federal government as low-level waste,
5 consistent with existing law; but does not include waste generated as
6 a result of atomic energy defense activities of the federal government,
7 as defined in the "Low-Level Radioactive Waste Policy Act,"
8 Pub.L.96-573 (42 U.S.C. s.2021b et seq.) and the "Low-Level
9 Radioactive Waste Policy Amendments Act of 1985," Pub.L.99-240
10 (42 U.S.C. s.2021b et seq.) or federal research and development
11 activities;

12 [j. "Owner or operator" means, in addition to the usual meanings
13 thereof, every owner of record of any interest in land whereon the
14 facility is located;

15 k.] "Plan" means the Low-Level Radioactive Waste Disposal Plan
16 adopted by the [board] department pursuant to section 10 of [this
17 act] P.L.1987, c.333 (C.13:1E-186);

18 [l.] "Region" means the geographical area encompassed by the
19 combined jurisdictions of the party states to the Northeast Interstate
20 Low-Level Radioactive Waste Management Compact;

21 [m.] "Site" means both the physical location with a buffer zone
22 and the technology employed to isolate low-level radioactive waste at
23 that location; and

24 [n.] "Generator" means any person, association, public utility,
25 hospital, clinic, research laboratory, corporation, society,
26 radiopharmaceutical facility, academic facility, or nuclear medical
27 research facility that produces low-level radioactive waste, or any
28 other entity identified by the board that produces low-level radioactive
29 waste, or that is licensed by the United States Nuclear Regulatory
30 Commission to use, possess, handle or dispose of radioactive
31 materials.

32 (cf: P.L.1991, c.166, s.1)

33

34 2. Section 5 of P.L.1991, c.166 (C.13:1E-181.3) is amended to
35 read as follows:

36 5. a. The Low-level Radioactive Waste Disposal Facility Fund is
37 established as a nonlapsing revolving fund in the Department of
38 Environmental Protection. The fund shall be administered by the
39 [New Jersey Low-Level Radioactive Waste Disposal Facility Siting
40 Board] department, and shall be credited with all fees collected
41 pursuant to section 3 of [this act] P.L.1991, c.166 (C.13:1E-181.1)
42 1 prior to the effective date of P.L. , c. (now before the Legislature
43 as this bill)¹. [Moneys in the fund shall be used by the board, or the
44 department, as the case may be, to implement the provisions of
45 P.L.1987, c.333 (C.13:1E-177 et seq.), the "Low-Level Radioactive

1 Waste Policy Act," Pub.L.96-573 (42 U.S.C. s.2021b et seq.) and the
2 "Low-Level Radioactive Waste Policy Amendments Act of 1985,"
3 Pub.L.99-240 (42 U.S.C.s.2021b et seq.).] ¹Moneys in the fund shall
4 be used by the department to perform the functions for which it is
5 responsible under the provisions of P.L.1987, c.333 (C.13:1E-177 et
6 seq.), the "Low-Level Radioactive Waste Policy Act," Pub.L.96-573
7 (42 U.S.C. s.2021b et seq.) and the "Low-Level Radioactive Waste
8 Policy Amendments Act of 1985," Pub.L.99-240 (42 U.S.C.s.2021b
9 et seq.).¹ The expenditure of moneys in the fund shall be subject to
10 the approval of the Director of the Division of Budget and Accounting
11 in the Department of the Treasury. In the event that ¹[the board
12 ceases operation or that]¹ additional expenditures are not otherwise
13 required, any moneys remaining in the fund shall be returned to
14 generators in the same proportion in which the fees were assessed and
15 paid.

16 b. The [board] department shall cause an annual audit to be made
17 of the fund and all expenditures of moneys from the fund. The audit
18 shall include a determination of the extent to which the expenditures
19 directly relate to costs incurred in the implementation of the relevant
20 provisions of P.L.1987, c.333 (C.13:1E-177 et seq.), the "Low-Level
21 Radioactive Waste Policy Act," Pub.L.96-573 (42 U.S.C.s.2021b et
22 seq.), and the "Low-Level Radioactive Waste Policy Amendments Act
23 of 1985," Pub.L.99-240 (42 U.S.C. s.2021b et seq.), including, but not
24 limited to, salaries and administrative expenses. Each annual audit
25 shall be subject to review by the State Auditor, and shall be
26 transmitted to the presiding officer of each House of the Legislature
27 and to the respective chairpersons of the Senate [Land Use
28 Management and Regional Affairs Committee, the Senate
29 Environmental Quality] Environment Committee [,] and the Assembly
30 Environment and Solid Waste [Management, Planning and Recycling]
31 Committee [, the Assembly Energy and Environment Committee, and
32 the Assembly Conservation and Natural Resources Committee], or
33 their successors.

34 (cf: P.L.1991, c.166, s.5)

35

36 3. Section 10 of P.L.1987, c.333 (C.13:1E-186) is amended to
37 read as follows:

38 10. a. The [board shall, within 15 months of the effective date of
39 this act and after consultation with the committee and] department
40 shall review [of] the regional management plan developed by the
41 Northeast Interstate Low-Level Radioactive Waste Commission
42 pursuant to Article V of P.L.1983, c.329 (C.32:31-6), [develop and
43 adopt a] and revise and update the Low-Level Radioactive Waste
44 Disposal Plan[. The plan shall be revised and updated every three
45 years, or more frequently] when, in the discretion of the [board]

1 department, changes in the amount or [type] class of low-level
2 radioactive waste generated in the region, or technological advances
3 in the means of managing, storing, transporting, or disposing of
4 low-level radioactive waste, so require.

5 b. The plan shall include, but need not be limited to:

6 (1) A current inventory of all low-level radioactive waste
7 generators within the region;

8 (2) A current inventory of the sources, volumes, [types] classes,
9 and hazardous life of the low-level radioactive wastes generated within
10 the region;

11 (3) Projections of the volumes, [types] classes, and hazardous life
12 of the low-level radioactive wastes which are expected to be generated
13 in the region during the next 20 years; and

14 (4) [A technical analysis of all the known methods of disposal of
15 low-level radioactive waste, which shall evaluate their respective
16 capacities to effectively isolate low-level radioactive wastes from the
17 biosphere; and

18 (5)] An analysis of transportation routes and transportation costs
19 from low-level radioactive waste generators in the region to [the
20 various areas of the State] out of state processing and disposal sites. [;

21 (6) An analysis of the waste stream generated by the party states
22 with respect to the commercial viability of a site located in this State.]

23 c. [The provisions of the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary
25 notwithstanding, the board shall prepare and adopt the plan as follows:

26 (1) Within 11 months of the effective date of this act, the board
27 shall prepare and make available to all interested persons a proposed
28 plan;

29 (2) Within 14 months of the effective date of this act, the board
30 shall conduct public hearings in the several geographic areas of the
31 State on the proposed plan. Notice of these hearings shall be
32 published at least 30 days in advance thereof in at least two
33 newspapers circulating in the specific geographic area where the
34 hearing will be held; and

35 (3) Within 15 months of the effective date of this act, the board
36 shall consider any comments made at the public hearings, make such
37 revisions to the proposed plan as it deems necessary or appropriate,
38 and adopt the plan.] (Deleted by amendment, P.L. _____, c. _____).

39 d. [Within 90 days of the effective date of this act, the board] The
40 department shall[, in consultation with the department and the
41 committee,] establish and maintain a public information program
42 which addresses:

43 (1) The nature and dimension of the low-level radioactive waste
44 disposal problem;

45 (2) The need for the proper and expeditious siting of a regional

1 low-level radioactive waste disposal facility or the need to develop
2 other disposal or management options that will be used to manage the
3 State's low-level radioactive waste; and

4 (3) [The respective responsibilities of the board, department and
5 committee pursuant to this act; and

6 (4)] The necessity and opportunities for public participation as
7 provided herein.

8 e. [In preparing or revising the plan pursuant to this section, the
9 board may direct that the department provide or prepare any data or
10 other information which the board deems necessary for the
11 performance of its responsibilities pursuant to this act.] (Deleted by
12 amendment, P.L. , c.).

13 (cf: P.L.1987, c.333, s.10)

14

15 4. Section 15 of P.L.1987, c.333 (C.13:1E-191) is amended to
16 read as follows:

17 1. a. Any person who supplies any information which proximately
18 results in the arrest and conviction of any other person for the illegal
19 treatment, transport, storage or disposal of low-level radioactive waste
20 shall be awarded one-half of any penalty collected as a result thereof.

21 b. The Attorney General shall adopt, pursuant to the
22 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et
23 seq.), such rules and regulations as are necessary to implement this
24 section.

25 (cf: P.L.1987, c.333, s.15)

26

27 5. Section 22 of P.L.1987, c.333 (C.13:1E-198) is amended to
28 read as follows:

29 22. The [board and the] department shall, pursuant to the
30 provisions of the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.), adopt such rules and regulations as may be
32 necessary [for the performance of their respective responsibilities
33 pursuant to] to implement ¹[this act] the provisions of P.L.1987,
34 c.333 (C.13:1E-177 et seq.)¹.

35 (cf: P.L.1987, c.333, s.22)

36

37 6. The following are repealed:

38 Section 2 of P.L.1987, c.333 (13:1E-178);

39 Sections 4 through 9 inclusive of P.L.1987, c.333 (C.13:1E-180
40 through 13:1E-185);

41 Sections 11 through 14 inclusive of P.L.1987, c.333 (C.13:1E-187
42 through 13:1E-190);

43 Sections 16 through 21 inclusive of P.L.1987, c.333 (C.13:1E-192
44 through 13:1E-197); and

45 Sections 3 and 4 of P.L.1991, c.166 (C.13:1E-181.1 and 13:1E-
46 181.2).

1 7. This act shall take effect immediately.

2

3

4

5

6 Revises laws concerning siting of low-level radioactive waste disposal
7 facility; repeals parts of the statutory law.

SENATE, No. 1688

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 24, 2002

Sponsored by:

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Revises laws concerning siting of low-level radioactive waste disposal facility; repeals parts of the statutory law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/20/2002)

1 AN ACT concerning low-level radioactive waste, amending P.L.1987,
2 c.333 and P.L.1991, c.166, and repealing parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.1987, c.333 (C.13:1E-179) is amended to read
8 as follows:

9 3. As used in this act:

10 [a. "Board" means the New Jersey Low-Level Radioactive Waste
11 Disposal Facility Siting Board created pursuant to section 4 of this act;

12 b.] "Class of low-level radioactive waste" means a designation of
13 low-level radioactive waste by the United States Nuclear Regulatory
14 Commission based on the concentration of specific radionuclides in the
15 waste;

16 "Commission" means the Northeast Interstate Low-Level
17 Radioactive Waste Commission created pursuant to Article IV of
18 P.L.1983, c.329 (C.32:31-5);

19 [c. "Committee" means the New Jersey Radioactive Waste
20 Advisory Committee created pursuant to section 6 of this act;

21 d.] "Department" means the Department of Environmental
22 Protection;

23 [e.] "Disposal" means the isolation of low-level radioactive waste
24 from the biosphere for the hazardous life of the waste;

25 [f. "Environmental and health impact statement" means a statement
26 of likely environmental and public health impacts resulting from the
27 construction and operation of the regional low-level radioactive waste
28 disposal facility, and includes an inventory of existing environmental
29 conditions at the site, a project description, an assessment of the
30 impact of the project on the environment and on public health, a listing
31 of unavoidable environmental and public health impacts, and steps to
32 be taken to minimize environmental and public health impacts during
33 construction and operation;

34 g. "Host municipality" means the municipality in which a regional
35 low-level radioactive waste disposal facility is to be located;

36 h.] "Facility" means the land, buildings, equipment, and
37 improvements used or developed for the treatment, storage, or
38 disposal of the low-level radioactive wastes generated within the party
39 states to the Northeast Interstate Low-Level Radioactive Waste
40 Management Compact;

41 [i.] "Low-level radioactive waste" means radioactive waste that
42 (1) is neither high-level waste nor spent fuel, nor by-product material

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 as defined in paragraph (2) of subsection (e) of 42 U.S.C. s.2014; and
2 (2) is classified by the federal government as low-level waste,
3 consistent with existing law; but does not include waste generated as
4 a result of atomic energy defense activities of the federal government,
5 as defined in the "Low-Level Radioactive Waste Policy Act,"
6 Pub.L.96-573 (42 U.S.C. s.2021b et seq.) and the "Low-Level
7 Radioactive Waste Policy Amendments Act of 1985," Pub.L.99-240
8 (42 U.S.C. s.2021b et seq.) or federal research and development
9 activities;

10 [j. "Owner or operator" means, in addition to the usual meanings
11 thereof, every owner of record of any interest in land whereon the
12 facility is located;

13 k.] "Plan" means the Low-Level Radioactive Waste Disposal Plan
14 adopted by the [board] department pursuant to section 10 of [this
15 act] P.L.1987, c.333 (C.13:1E-186);

16 [l.] "Region" means the geographical area encompassed by the
17 combined jurisdictions of the party states to the Northeast Interstate
18 Low-Level Radioactive Waste Management Compact;

19 [m.] "Site" means both the physical location with a buffer zone
20 and the technology employed to isolate low-level radioactive waste at
21 that location; and

22 [n.] "Generator" means any person, association, public utility,
23 hospital, clinic, research laboratory, corporation, society,
24 radiopharmaceutical facility, academic facility, or nuclear medical
25 research facility that produces low-level radioactive waste, or any
26 other entity identified by the board that produces low-level radioactive
27 waste, or that is licensed by the United States Nuclear Regulatory
28 Commission to use, possess, handle or dispose of radioactive
29 materials.

30 (cf: P.L.1991, c.166, s.1)

31

32 2. Section 5 of P.L.1991, c.166 (C.13:1E-181.3) is amended to
33 read as follows:

34 5. a. The Low-level Radioactive Waste Disposal Facility Fund is
35 established as a nonlapsing revolving fund in the Department of
36 Environmental Protection. The fund shall be administered by the
37 [New Jersey Low-Level Radioactive Waste Disposal Facility Siting
38 Board] department, and shall be credited with all fees collected
39 pursuant to section 3 of [this act] P.L.1991, c.166 (C.13:1E-181.1).
40 [Moneys in the fund shall be used by the board, or the department, as
41 the case may be, to implement the provisions of P.L.1987, c.333
42 (C.13:1E-177 et seq.), the "Low-Level Radioactive Waste Policy Act,"
43 Pub.L.96-573 (42 U.S.C. s.2021b et seq.) and the "Low-Level
44 Radioactive Waste Policy Amendments Act of 1985," Pub.L.99-240
45 (42 U.S.C. s.2021b et seq.).] The expenditure of moneys in the fund

1 shall be subject to the approval of the Director of the Division of
2 Budget and Accounting in the Department of the Treasury. In the
3 event that the board ceases operation or that additional expenditures
4 are not otherwise required, any moneys remaining in the fund shall be
5 returned to generators in the same proportion in which the fees were
6 assessed and paid.

7 b. The **[board]** department shall cause an annual audit to be made
8 of the fund and all expenditures of moneys from the fund. The audit
9 shall include a determination of the extent to which the expenditures
10 directly relate to costs incurred in the implementation of the relevant
11 provisions of P.L.1987, c.333 (C.13:1E-177 et seq.), the "Low-Level
12 Radioactive Waste Policy Act," Pub.L.96-573 (42 U.S.C. s.2021b et
13 seq.), and the "Low-Level Radioactive Waste Policy Amendments Act
14 of 1985," Pub.L.99-240 (42 U.S.C. s.2021b et seq.), including, but not
15 limited to, salaries and administrative expenses. Each annual audit
16 shall be subject to review by the State Auditor, and shall be
17 transmitted to the presiding officer of each House of the Legislature
18 and to the respective chairpersons of the Senate **[Land Use**
19 **Management and Regional Affairs Committee, the Senate**
20 **Environmental Quality]** Environment **Committee [.] and the Assembly**
21 **Environment and Solid Waste [Management, Planning and Recycling]**
22 **Committee [, the Assembly Energy and Environment Committee, and**
23 **the Assembly Conservation and Natural Resources Committee] , or**
24 **their successors.**

25 (cf: P.L.1991, c.166, s.5)

26

27 3. Section 10 of P.L.1987, c.333 (C.13:1E-186) is amended to
28 read as follows:

29 10. a. The **[board shall, within 15 months of the effective date of**
30 **this act and after consultation with the committee and]** department
31 shall review **[of]** the regional management plan developed by the
32 Northeast Interstate Low-Level Radioactive Waste Commission
33 pursuant to Article V of P.L.1983, c.329 (C.32:31-6), **[develop and**
34 **adopt a]** and revise and update the Low-Level Radioactive Waste
35 Disposal Plan**[.** The plan shall be revised and updated every three
36 years, or more frequently**]** when, in the discretion of the **[board]**
37 department, changes in the amount or **[type]** class of low-level
38 radioactive waste generated in the region, or technological advances
39 in the means of managing, storing, transporting, or disposing of
40 low-level radioactive waste, so require.

41 b. The plan shall include, but need not be limited to:

42 (1) A current inventory of all low-level radioactive waste
43 generators within the region;

44 (2) A current inventory of the sources, volumes, **[types]** classes,
45 and hazardous life of the low-level radioactive wastes generated within

1 the region;

2 (3) Projections of the volumes, [types] classes, and hazardous life
3 of the low-level radioactive wastes which are expected to be generated
4 in the region during the next 20 years; and

5 (4) [A technical analysis of all the known methods of disposal of
6 low-level radioactive waste, which shall evaluate their respective
7 capacities to effectively isolate low-level radioactive wastes from the
8 biosphere; and

9 (5)] An analysis of transportation routes and transportation costs
10 from low-level radioactive waste generators in the region to [the
11 various areas of the State] out of state processing and disposal sites. [;

12 (6) An analysis of the waste stream generated by the party states
13 with respect to the commercial viability of a site located in this State.]

14 c. [The provisions of the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary
16 notwithstanding, the board shall prepare and adopt the plan as follows:

17 (1) Within 11 months of the effective date of this act, the board
18 shall prepare and make available to all interested persons a proposed
19 plan;

20 (2) Within 14 months of the effective date of this act, the board
21 shall conduct public hearings in the several geographic areas of the
22 State on the proposed plan. Notice of these hearings shall be
23 published at least 30 days in advance thereof in at least two
24 newspapers circulating in the specific geographic area where the
25 hearing will be held; and

26 (3) Within 15 months of the effective date of this act, the board
27 shall consider any comments made at the public hearings, make such
28 revisions to the proposed plan as it deems necessary or appropriate,
29 and adopt the plan.] (Deleted by amendment, P.L. _____, c. _____).

30 d. [Within 90 days of the effective date of this act, the board] The
31 department shall[, in consultation with the department and the
32 committee,] establish and maintain a public information program
33 which addresses:

34 (1) The nature and dimension of the low-level radioactive waste
35 disposal problem;

36 (2) The need for the proper and expeditious siting of a regional
37 low-level radioactive waste disposal facility or the need to develop
38 other disposal or management options that will be used to manage the
39 State's low-level radioactive waste; and

40 (3) [The respective responsibilities of the board, department and
41 committee pursuant to this act; and

42 (4)] The necessity and opportunities for public participation as
43 provided herein.

44 e. [In preparing or revising the plan pursuant to this section, the
45 board may direct that the department provide or prepare any data or

1 other information which the board deems necessary for the
2 performance of its responsibilities pursuant to this act.] (Deleted by
3 amendment, P.L. , c.).

4 (cf: P.L.1987, c.333, s.10)

5

6 4. Section 15 of P.L.1987, c.333 (C.13:1E-191) is amended to
7 read as follows:

8 1. a. Any person who supplies any information which proximately
9 results in the arrest and conviction of any other person for the illegal
10 treatment, transport, storage or disposal of low-level radioactive waste
11 shall be awarded one-half of any penalty collected as a result thereof.

12 b. The Attorney General shall adopt, pursuant to the
13 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et
14 seq.), such rules and regulations as are necessary to implement this
15 section.

16 (cf: P.L.1987, c.333, s.15)

17

18 5. Section 22 of P.L.1987, c.333 (C.13:1E-198) is amended to
19 read as follows:

20 22. The [board and the] department shall, pursuant to the
21 provisions of the "Administrative Procedure Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.), adopt such rules and regulations as may be
23 necessary [for the performance of their respective responsibilities
24 pursuant to] to implement this act.

25 (cf: P.L.1987, c.333, s.22)

26

27 6. The following are repealed:

28 Section 2 of P.L.1987, c.333 (13:1E-178);

29 Sections 4 through 9 inclusive of P.L.1987, c.333 (C.13:1E-180
30 through 13:1E-185);

31 Sections 11 through 14 inclusive of P.L.1987, c.333 (C.13:1E-187
32 through 13:1E-190);

33 Sections 16 through 21 inclusive of P.L.1987, c.333 (C.13:1E-192
34 through 13:1E-197); and

35 Sections 3 and 4 of P.L.1991, c.166 (C.13:1E-181.1 and 13:1E-
36 181.2).

37

38 7. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill would repeal the laws establishing the Low-Level
44 Radioactive Waste Disposal Siting Board, the New Jersey Radioactive
45 Waste Advisory Committee, and would repeal the legal authority for
46 the imposition of fees upon generators of low-level radioactive waste.

1 Recently the state of South Carolina was admitted into the
2 Northeast Interstate Low-level Radioactive Waste Management
3 Compact, which already included New Jersey and Connecticut. As a
4 condition of South Carolina's membership into the compact, the
5 generators of low-level radioactive waste in New Jersey and
6 Connecticut are to have access to an existing disposal facility in South
7 Carolina for approximately 50 years. Therefore, the State no longer
8 needs to site a facility and the functions of the Siting Board and the
9 Advisory Committee are no longer necessary.

10 The bill would retain the existing provision in the law that requires
11 that in the event the board ceases operations and additional
12 expenditures are not required, unused fees remaining in the Low-level
13 Radioactive Waste Disposal Facility Fund will be returned to the
14 generators in the same proportion in which the fees were assessed and
15 paid.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1688

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1688.

As amended, Senate Bill No. 1688 would repeal the laws establishing the Low-Level Radioactive Waste Disposal Siting Board, the New Jersey Radioactive Waste Advisory Committee, and would repeal the legal authority for the imposition of fees upon generators of low-level radioactive waste.

Recently the state of South Carolina was admitted into the Northeast Interstate Low-level Radioactive Waste Management Compact, which already included New Jersey and Connecticut. As a condition of South Carolina's membership into the compact, the generators of low-level radioactive waste in New Jersey and Connecticut are to have access to an existing disposal facility in South Carolina for approximately 50 years. Therefore, the State no longer needs to site a facility and the functions of the Siting Board and the Advisory Committee are no longer necessary.

The bill retains the existing provision in the law providing that in the event that additional expenditures are not required, unused fees remaining in the Low-level Radioactive Waste Disposal Facility Fund will be returned to the generators in the same proportion in which the fees were assessed and paid.

The committee amendments provide that moneys in the Low-level Radioactive Waste Disposal Facility Fund may be used by the Department of Environmental Protection (DEP) to perform the functions for which it remains responsible following the dissolution of the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board.

These functions include the responsibility to: (1) review the regional management plan developed by the Northeast Interstate Low-Level Radioactive Waste Commission; (2) revise and update the Low-Level Radioactive Waste Disposal Plan whenever the DEP finds that changes in the amount or class of low-level radioactive waste generated in the region, or technological advances in the means of managing, storing, transporting, or disposing of low-level radioactive

waste, so require; and (3) establish and maintain a public information program regarding low-level radioactive waste management.

The public information program must address: (1) the nature and dimension of the low-level radioactive waste disposal problem; (2) the need for the proper and expeditious siting of a regional low-level radioactive waste disposal facility or the need to develop other disposal or management options that will be used to manage the State's low-level radioactive waste; and (3) the necessity and opportunities for public participation.

The committee amendments also would make several technical changes and corrections to the bill.

ASSEMBLY, No. 2435

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 13, 2002

Sponsored by:

Assemblyman REED GUSCIORA
District 15 (Mercer)

Co-Sponsored by:

Assemblyman Ahearn

SYNOPSIS

Revises laws concerning siting of low-level radioactive waste disposal facility; repeals parts of the statutory law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/24/2002)

A2435 GUSCIORA

2

1 AN ACT concerning low-level radioactive waste, amending P.L.1987,
2 c.333 and P.L.1991, c.166, and repealing parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1987, c.333 (C.13:1E-179) is amended to read
8 as follows:

9 3. As used in this act:

10 [a. "Board" means the New Jersey Low-Level Radioactive Waste
11 Disposal Facility Siting Board created pursuant to section 4 of this act;

12 b.] "Class of low-level radioactive waste" means a designation of
13 low-level radioactive waste by the United States Nuclear Regulatory
14 Commission based on the concentration of specific radionuclides in the
15 waste;

16 "Commission" means the Northeast Interstate Low-Level
17 Radioactive Waste Commission created pursuant to Article IV of
18 P.L.1983, c.329 (C.32:31-5);

19 [c. "Committee" means the New Jersey Radioactive Waste
20 Advisory Committee created pursuant to section 6 of this act;

21 d.] "Department" means the Department of Environmental
22 Protection;

23 [e.] "Disposal" means the isolation of low-level radioactive waste
24 from the biosphere for the hazardous life of the waste;

25 [f. "Environmental and health impact statement" means a statement
26 of likely environmental and public health impacts resulting from the
27 construction and operation of the regional low-level radioactive waste
28 disposal facility, and includes an inventory of existing environmental
29 conditions at the site, a project description, an assessment of the
30 impact of the project on the environment and on public health, a listing
31 of unavoidable environmental and public health impacts, and steps to
32 be taken to minimize environmental and public health impacts during
33 construction and operation;

34 g. "Host municipality" means the municipality in which a regional
35 low-level radioactive waste disposal facility is to be located;

36 h.] "Facility" means the land, buildings, equipment, and
37 improvements used or developed for the treatment, storage, or
38 disposal of the low-level radioactive wastes generated within the party
39 states to the Northeast Interstate Low-Level Radioactive Waste
40 Management Compact;

41 [i.] "Low-level radioactive waste" means radioactive waste that
42 (1) is neither high-level waste nor spent fuel, nor by-product material

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 as defined in paragraph (2) of subsection (e) of 42 U.S.C. s.2014; and
2 (2) is classified by the federal government as low-level waste,
3 consistent with existing law; but does not include waste generated as
4 a result of atomic energy defense activities of the federal government,
5 as defined in the "Low-Level Radioactive Waste Policy Act,"
6 Pub.L.96-573 (42 U.S.C.s.2021b et seq.) and the "Low-Level
7 Radioactive Waste Policy Amendments Act of 1985," Pub.L.99-240
8 (42 U.S.C.s.2021b et seq.) or federal research and development
9 activities;

10 [j. "Owner or operator" means, in addition to the usual meanings
11 thereof, every owner of record of any interest in land whereon the
12 facility is located;

13 k.] "Plan" means the Low-Level Radioactive Waste Disposal Plan
14 adopted by the [board] department pursuant to section 10 of [this
15 act] P.L.1987, c.333 (C.13:1E-186);

16 [l.] "Region" means the geographical area encompassed by the
17 combined jurisdictions of the party states to the Northeast Interstate
18 Low-Level Radioactive Waste Management Compact;

19 [m.] "Site" means both the physical location with a buffer zone
20 and the technology employed to isolate low-level radioactive waste at
21 that location; and

22 [n.] "Generator" means any person, association, public utility,
23 hospital, clinic, research laboratory, corporation, society,
24 radiopharmaceutical facility, academic facility, or nuclear medical
25 research facility that produces low-level radioactive waste, or any
26 other entity identified by the board that produces low-level radioactive
27 waste, or that is licensed by the United States Nuclear Regulatory
28 Commission to use, possess, handle or dispose of radioactive
29 materials.

30 (cf: P.L.1991, c.166, s.1)

31

32 2. Section 5 of P.L.1991, c.166 (C.13:1E-181.3) is amended to
33 read as follows:

34 5. a. The Low-level Radioactive Waste Disposal Facility Fund is
35 established as a nonlapsing revolving fund in the Department of
36 Environmental Protection. The fund shall be administered by the
37 [New Jersey Low-Level Radioactive Waste Disposal Facility Siting
38 Board] department , and shall be credited with all fees collected
39 pursuant to section 3 of [this act] P.L.1991, c.166 (C.13:1E-181.1).
40 [Moneys in the fund shall be used by the board, or the department, as
41 the case may be, to implement the provisions of P.L.1987, c.333
42 (C.13:1E-177 et seq.), the "Low-Level Radioactive Waste Policy Act,"
43 Pub.L.96-573 (42 U.S.C. s.2021b et seq.) and the "Low-Level
44 Radioactive Waste Policy Amendments Act of 1985," Pub.L.99-240
45 (42 U.S.C.s.2021b et seq.).] The expenditure of moneys in the fund

1 shall be subject to the approval of the Director of the Division of
2 Budget and Accounting in the Department of the Treasury. In the
3 event that the board ceases operation or that additional expenditures
4 are not otherwise required, any moneys remaining in the fund shall be
5 returned to generators in the same proportion in which the fees were
6 assessed and paid.

7 b. The **[board]** department shall cause an annual audit to be made
8 of the fund and all expenditures of moneys from the fund. The audit
9 shall include a determination of the extent to which the expenditures
10 directly relate to costs incurred in the implementation of the relevant
11 provisions of P.L.1987, c.333 (C.13:1E-177 et seq.), the "Low-Level
12 Radioactive Waste Policy Act," Pub.L.96-573 (42 U.S.C.s.2021b et
13 seq.), and the "Low-Level Radioactive Waste Policy Amendments Act
14 of 1985," Pub.L.99-240 (42 U.S.C. s.2021b et seq.), including, but not
15 limited to, salaries and administrative expenses. Each annual audit
16 shall be subject to review by the State Auditor, and shall be
17 transmitted to the presiding officer of each House of the Legislature
18 and to the respective chairpersons of the Senate **[Land Use**
19 **Management and Regional Affairs Committee, the Senate**
20 **Environmental Quality]** Environment **Committee [.] and the Assembly**
21 **Environment and Solid Waste [Management, Planning and Recycling]**
22 **Committee [, the Assembly Energy and Environment Committee, and**
23 **the Assembly Conservation and Natural Resources Committee] , or**
24 their successors.

25 (cf: P.L.1991, c.166, s.5)

26

27 3. Section 10 of P.L.1987, c.333 (C.13:1E-186) is amended to
28 read as follows:

29 10. a. The **[board shall, within 15 months of the effective date of**
30 **this act and after consultation with the committee and]** department
31 shall review **[of]** the regional management plan developed by the
32 Northeast Interstate Low-Level Radioactive Waste Commission
33 pursuant to Article V of P.L.1983, c. 329 (C. 32:31-6), **[develop and**
34 **adopt a]** and revise and update the Low-Level Radioactive Waste
35 Disposal Plan **[. The plan shall be revised and updated every three**
36 **years, or more frequently]** when, in the discretion of the **[board]**
37 department , changes in the amount or **[type]** class of low-level
38 radioactive waste generated in the region, or technological advances
39 in the means of managing, storing, transporting, or disposing of
40 low-level radioactive waste, so require.

41 b. The plan shall include, but need not be limited to:

42 (1) A current inventory of all low-level radioactive waste
43 generators within the region;

44 (2) A current inventory of the sources, volumes, **[types]** classes,
45 and hazardous life of the low-level radioactive wastes generated within

1 the region;

2 (3) Projections of the volumes, [types] classes, and hazardous life
3 of the low-level radioactive wastes which are expected to be generated
4 in the region during the next 20 years; and

5 (4) [A technical analysis of all the known methods of disposal of
6 low-level radioactive waste, which shall evaluate their respective
7 capacities to effectively isolate low-level radioactive wastes from the
8 biosphere; and

9 (5)] An analysis of transportation routes and transportation costs
10 from low-level radioactive waste generators in the region to [the
11 various areas of the State] out of state processing and disposal sites.
12 [;

13 (6) An analysis of the waste stream generated by the party states
14 with respect to the commercial viability of a site located in this State.]

15 c. [The provisions of the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary
17 notwithstanding, the board shall prepare and adopt the plan as follows:

18 (1) Within 11 months of the effective date of this act, the board
19 shall prepare and make available to all interested persons a proposed
20 plan;

21 (2) Within 14 months of the effective date of this act, the board
22 shall conduct public hearings in the several geographic areas of the
23 State on the proposed plan. Notice of these hearings shall be
24 published at least 30 days in advance thereof in at least two
25 newspapers circulating in the specific geographic area where the
26 hearing will be held; and

27 (3) Within 15 months of the effective date of this act, the board
28 shall consider any comments made at the public hearings, make such
29 revisions to the proposed plan as it deems necessary or appropriate,
30 and adopt the plan.] (Deleted by amendment, P.L. , c. .)

31 d. [Within 90 days of the effective date of this act, the board] The
32 department shall [, in consultation with the department and the
33 committee,] establish and maintain a public information program
34 which addresses:

35 (1) The nature and dimension of the low-level radioactive waste
36 disposal problem;

37 (2) The need for the proper and expeditious siting of a regional
38 low-level radioactive waste disposal facility or the need to develop
39 other disposal or management options that will be used to manage the
40 State's low-level radioactive waste ; and

41 (3) [The respective responsibilities of the board, department and
42 committee pursuant to this act; and

1 (4)] The necessity and opportunities for public participation as
2 provided herein.

3 e. [In preparing or revising the plan pursuant to this section, the
4 board may direct that the department provide or prepare any data or
5 other information which the board deems necessary for the
6 performance of its responsibilities pursuant to this act.] (~~Deleted by~~
7 ~~amendment, P.L. , c.).~~

8 (cf: P.L.1987, c.333, s.10)

9

10 4. Section 15 of P.L.1987, c.333 (C.13:1E-191) is amended to
11 read as follows:

12 1. a. Any person who supplies any information which proximately
13 results in the arrest and conviction of any other person for the illegal
14 treatment, transport, storage or disposal of low-level radioactive waste
15 shall be awarded one-half of any penalty collected as a result thereof.

16 b. The Attorney General shall adopt, pursuant to the
17 "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et
18 seq.), such rules and regulations as are necessary to implement this
19 section.

20 (cf: P.L. 1987, c.333, s.15)

21

22 5. Section 22 of P.L.1987, c.333 (C.13:1E-198) is amended to
23 read as follows:

24 22. The [board and the] department shall, pursuant to the
25 provisions of the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), adopt such rules and regulations as may be
27 necessary [for the performance of their respective responsibilities
28 pursuant to] to implement this act.

29 (cf: P.L.1987, c.333, s.22)

30

31 6. The following are repealed:

32 Section 2 of P.L.1987, c.333 (13:1E-178);

33 Sections 4 through 9 inclusive of P.L.1987, c.333 (C.13:1E-180
34 through 13:1E-185);

35 Sections 11 through 14 inclusive of P.L.1987, c.333 (C.13:1E-187
36 through 13:1E-190);

37 Sections 16 through 21 inclusive of P.L.1987, c.333 (C.13:1E-192
38 through 13:1E-197); and

39 Sections 3 and 4 of P.L.1991, c.166 (C.13:1E-181.1 and 13:1E-
40 181.2).

41

42 7. This act shall take effect immediately.

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STATEMENT

This bill would repeal the laws establishing the Low-Level Radioactive Waste Disposal Siting Board, the New Jersey Radioactive Waste Advisory Committee, and would repeal the legal authority for the imposition of fees upon generators of low-level radioactive waste.

Recently the state of South Carolina was admitted into the Northeast Interstate Low-level Radioactive Waste Management Compact, which already included New Jersey and Connecticut. As a condition of South Carolina's membership into the compact, the generators of low-level radioactive waste in New Jersey and Connecticut are to have access to an existing disposal facility in South Carolina for approximately 50 years. Therefore, the State no longer needs to site a facility and the functions of the Siting Board and the Advisory Committee are no longer necessary.

The bill would retain the existing provision in the law that requires that in the event the board ceases operations and additional expenditures are not required, unused fees remaining in the Low-level Radioactive Waste Disposal Facility Fund will be returned to the generators in the same proportion in which the fees were assessed and paid.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2435

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2002

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2435.

This bill would repeal the laws establishing the Low-Level Radioactive Waste Disposal Siting Board, the New Jersey Radioactive Waste Advisory Committee, and would repeal the legal authority for the imposition of fees upon generators of low-level radioactive waste.

The bill would retain the existing provision in the law that requires that in the event the board ceases operations and additional expenditures are not required, unused fees remaining in the Low-level Radioactive Waste Disposal Facility Fund will be returned to the generators in the same proportion in which the fees were assessed and paid.

STATEMENT TO
ASSEMBLY, No. 2435

with Assembly Floor Amendments
(Proposed By Assemblyman GUSCIORA)

ADOPTED: SEPTEMBER 23, 2002

These floor amendments would provide that moneys in the Low-level Radioactive Waste Disposal Facility Fund may be used by the Department of Environmental Protection to perform the functions for which it remains responsible following the dissolution of the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board. These floor amendments also make technical corrections to the bill to clarify statutory citations.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2435

with Assembly Floor Amendments
(Proposed By Assemblyman GUSCIORA)

ADOPTED: OCTOBER 7, 2002

These floor amendments would make a technical correction to the bill necessitated by prior amendments to the bill, and would make this bill identical to Senate Bill No. 1688 (1R) as amended and released by the Senate Environment Committee on September 26, 2002.