

## **Part 2**

### **Interstate Compact on Low-Level Radioactive Waste**

#### **19-3-201 Interstate Compact on Low-level Radioactive Waste -- Policy and purpose of compact.**

The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is further recognized that the protection of the health and safety of the citizens of the party states and the most economical management of low-level radioactive wastes can be accomplished through cooperation of the states in minimizing the amount of handling and transportation required to dispose of the wastes and through the cooperation of the states in providing facilities that serve the region. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the most economical management of low-level radioactive wastes on a continuing basis. It is the purpose of this compact to provide the means for a cooperative effort among the party states so that the protection of the citizens of the states and the maintenance of the viability of the states' economies will be enhanced while sharing the responsibilities of radioactive low-level waste management.

Renumbered and Amended by Chapter 112, 1991 General Session

#### **19-3-201.1 Definitions.**

As used in this compact:

- (1) "Facility" means any site, location, structure, or property used or to be used for the storage, treatment, or disposal of low-level waste, excluding federal waste facilities.
- (2) "Generator" means any person, partnership, association, corporation, or any other entity whatsoever which, as a part of its activities, produces low-level radioactive waste.
- (3) "Host state" means a state in which a facility is located.
- (4)
  - (a) "Low-level waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release.
  - (b) "Low-level waste" does not include waste containing more than 10 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.

Enacted by Chapter 314, 2001 General Session

#### **19-3-202 Practices of party states regarding low-level waste shipments -- Fees for inspections.**

- (1) Each party state agrees to adopt practices which will require low-level waste shipments originating within its borders and destined for a facility within another party state to conform to the applicable packaging and transportation requirements and regulations of the host state including:
  - (a) maintaining an inventory of all generators within the state that have shipped or expect to ship low-level waste to facilities in another party state;

- (b) periodic unannounced inspection of the premises of the generators and the waste management activities on the premises;
  - (c) authorization of the containers in which the waste may be shipped, and a requirement that generators use only the type of containers authorized by the state;
  - (d) assurance that inspections of the carriers which transport the waste are conducted by proper authorities, and appropriate enforcement action taken for violations; and
  - (e) after receiving notification from a host state that a generator within the party state is in violation of applicable packaging or transportation standards, taking appropriate action to assure that the violations do not recur including the inspection of every individual low-level waste shipment by that generator.
- (2) Each party state may impose fees upon generators and shippers to recover the cost of the inspections and other practices under this compact.
  - (3) Nothing in this section limits any party state's authority to impose additional or more stringent standards on generators or carriers than those required under this section.

Renumbered and Amended by Chapter 112, 1991 General Session

**19-3-203 Acceptance of low-level waste by facilities in party states -- Requirements for acceptance of waste generated outside region of party states -- Cooperation in determining site of facility required within region of party states -- Allowance of access to low-level waste and hazardous chemical waste disposal facilities by certain party states -- Establishment of fees and requirements by host states.**

- (1) Facilities located in any party state, other than facilities established or maintained by individual low-level waste generators for the management of that party state's own low-level waste, shall accept low-level waste generated in any party state if the waste has been packaged and transported according to applicable laws and regulations.
- (2) No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states, except as provided in Section 19-3-204.
- (3) Until Subsection (2) takes effect, facilities located in any party state may accept low-level waste generated outside of any of the party states only if the waste is accompanied by a certificate of compliance issued by an official of the state in which the waste shipment originated. The certificate shall be in the form required by the host state, and shall contain at least the following:
  - (a) the generator's name and address;
  - (b) a description of the contents of the low-level waste container;
  - (c) a statement that the low-level waste being shipped has been inspected by the official who issued the certificate or by his or her agent or by a representative of the United States Nuclear Regulatory Commission, and found to have been packaged in compliance with applicable federal regulations;
  - (d) additional requirements imposed by the host state; and
  - (e) a binding agreement by the state of origin to reimburse any party state for any liability or expense incurred as a result of an accidental release of the waste during shipment or after the waste reaches the facility.
- (4)
  - (a) Each party state shall cooperate with the other party states in determining the appropriate site of any facility that may be required within the region comprised of the party states, in order to maximize public health and safety while minimizing the use of any party state as the host of the facilities on a permanent basis.

- (b) Each party state further agrees that decisions regarding low-level waste management facilities in its region will be reached through a good faith process which takes into account the burdens borne by each of the party states as well as the benefits each has received.
- (5)
  - (a) The party states recognize that the issue of hazardous chemical waste management is similar in many respects to that of low-level waste management. Therefore, in consideration of the state of Washington allowing access to its low-level waste disposal facility by generators in other party states, party states such as Oregon and Idaho which host hazardous chemical waste disposal facilities will allow access to the facilities by generators within other party states.
  - (b) Nothing in this compact prevents any party state from limiting the nature and type of hazardous chemical or low-level wastes to be accepted at facilities within its borders or from ordering the closure of the facilities, so long as the action by a host state is applied equally to all generators within the region comprised of the party states.
- (6) Any host state may establish a schedule of fees and requirements related to its facility, to assure that closure, perpetual care, maintenance, and contingency requirements are met including adequate bonding.

Renumbered and Amended by Chapter 112, 1991 General Session

**19-3-204 Governor to designate state official to administer compact -- Designated officials comprise northwest low-level waste compact committee -- Meetings of committee -- Duties relating to existing regulations -- Authority to make arrangements with entities outside region of party states.**

- (1) The governor of each party state shall designate one state official as the person responsible for administration of this compact. The officials so designated shall together comprise the northwest low-level waste compact committee.
- (2) The committee shall meet as required to consider matters arising under this compact.
- (3) The parties shall inform the committee of existing regulations concerning low-level waste management in their states and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in the regulations.
- (4) Notwithstanding any provision of Section 19-3-203 to the contrary, the committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on terms and conditions the committee considers appropriate. However, a two-thirds vote of all members is required, including the affirmative vote of the member of any party state in which a facility affected by the arrangement is located, for the committee to enter into an arrangement.

Renumbered and Amended by Chapter 112, 1991 General Session

**19-3-205 Eligible party states -- Requirements regarding joinder and withdrawal from compact -- Consent of Congress.**

- (1) Each of the following states is eligible to become a party to this compact: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. As to any eligible party, this compact becomes effective upon enactment into law by that party, but it is not initially effective until enacted into law by two states. Any party state may withdraw from this compact by enacting a statute repealing its approval.

- (2) After the compact has initially taken effect under Subsection (1), any eligible party state may become a party to this compact by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1983, whichever occurs first, unless the compact has by then been enacted as a statute by that state.
- (3) Section 19-3-203 takes effect on July 1, 1983, if consent is given by Congress. As provided in Public Law 96-573, Congress may withdraw its consent to the compact after every five-year period.

Renumbered and Amended by Chapter 112, 1991 General Session

**19-3-206 Direction to compact committee member.**

The Utah compact committee member designated under Section 19-3-204 may not bring to the committee for approval and shall vote to disapprove any arrangement under Subsection 19-3-204(4) for a facility to receive class B or class C low-level radioactive waste for commercial storage, decay in storage, treatment, incineration, or disposal within the state.

Enacted by Chapter 10, 2005 General Session