

DEPARTMENT OF ENERGY ANNUAL MEETING

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What are the obligations and responsibilities of states and compacts pursuant to the LLRWPA?

How are states and compacts meeting these obligations and responsibilities?

The LLRWPA says simply that each state shall be responsible for providing, either by itself or in cooperation with other states, for the disposal of commercial LLRW.

There is a difference of opinion as to whether this actually means that all states or compacts are actually obligated to build a new facility.

In addition to what the Act says, compact laws include additional areas of responsibility including: protection of health, safety and the environment, regionalization and import/export authority over storage, treatment and processing facilities, promoting volume and source reduction, limiting the number of waste management facilities, cost controls, fee collection, facility rate regulation, education for the public and for generators, and equitable distribution of costs and benefits. In some compacts the powers are limited to commercial LLW. In others, the powers extend to NARM, NORM and other waste streams.

All compacts are different--the Act gave states latitude to form their own agreements. Remember that states volunteered for this responsibility. Congress left it to states to figure out how to do it.

Compacts have some latitude in deciding what is the right thing to do, given their generators needs and circumstances, to fulfill the general responsibility for LLW management. They have the discretion of exercising all or some of their powers, based on what is needed. Compacts are doing what they think is prudent, and thus far, generators are not challenging this.

Examples of what states and compacts are doing:

Providing for Disposal

The Northwest Compact has continued to provide disposal at an affordable cost to its generators in the Northwest, plus by contract to the states in the Rocky Mountain Compact. They also continue to exercise their exclusionary powers under the Act to prohibit waste from outside the region from going to the regional facility in Richland, WA.

Although the LLWPAA gave South Carolina the right to close its facility to out-of-state waste in 1996, South Carolina continues to provide disposal to all states except North Carolina.

As far as progress in siting new facilities, most of you probably keep up with what is happening across the country. You know that some states and compacts are still actively pursuing the

development of a new disposal site, despite political difficulties and other obstacles. (SW, Central, SE, TX and CT).

Some others have delayed siting until a specific time, suspended activity with the intent to reevaluate periodically, or halted siting activity altogether (APP, CM, MW, NJ, NY).

Still other states have never taken the first step toward siting a facility (RI, DC, NH, PR).

Again, each state and region has had to evaluate the needs of its generators and the details of its particular circumstances, and then determine the appropriate way to fulfill its obligations.

Other Activities

Although the first responsibility that most people think about in connection with the Policy Act is providing for disposal capacity, this is really only one of many functions which the states and compacts perform.

- **Waste Tracking.** In some compacts, there is strong emphasis placed on maintaining databases to track the generation, treatment and transportation of wastes. In the Northeast Compact, for example, they maintain a treatment and processing database of the waste streams in the region that require treatment and processing services. This information is used by the Commission to keep track of the needs, to assist generators in tracking developments in treatment technologies and to assist them in obtaining appropriate services.

Most of the compacts (and some of the states) have entered into two Inter-regional Agreements which govern the flow of waste for treatment and processing across state lines. States and compacts use waste tracking to oversee compliance with the inter-regional agreements. In states which have numerous treatment facilities such as Illinois and Tennessee, this activity has special emphasis.

- **Control of Import/Export.** Some compacts actively administer controls on import and export. The Northwest Compact administers policies pertaining to the import of waste to its disposal facilities in Washington and Utah. The Central Interstate Compact administers an export policy, whereby generators must apply for a permit to export waste out of the region. In the Rocky Mountain Compact they place great emphasis on policies for import and export which require the administration of permits and fees. Unlike other regions, the Rocky Mountain Compact is involved in control over NARM and NORM wastes, uranium mill tailings, and wastes from the oil and gas industry.

- **Training.** Some states and compacts place special emphasis on education. The state of Massachusetts has developed a formal curriculum on radioactive waste management to be taught in the public schools. In the Southwestern Compact, special workshops are conducted to assist waste generators in keeping up with the latest waste management technologies and changes in regulation. For example, when the uniform manifest rules were released, the Southwest Compact sponsored a workshop to help generators learn how to comply with the new manifesting requirements.

Closing Remarks

These are just a few examples of how activities vary from region to region. It is my belief that the activities of each region will continue to change over time as generator needs and circumstances change.