

Overview of Proposed Changes to Rules for Import of LLRW

Texas LLRW Disposal Compact Commissioners

By: Rod Baltzer, President August 20, 2011



- Texas Compact Commission approved rules in January 2011 regarding the importation of LLW
- Subsequently, the Texas legislature overwhelmingly approved SB 1504 to allow importation of LLW
- Thus, existing rules of the Commission should be revised to be consistent with the legislation
- Forms for requesting import agreements should also be prepared based on revisions to the rules



- Limits importation to 30% of the volume and curie capacity available
- Further limits the volume for import to 50,000 cubic feet per year
- Further limits curies for import to 120,000 curies annually, except for the first year when it is limited to 220,000 curies
- The TCEQ Executive Director has the authority to halt importation if capacity is not available



- Adds a 20% surcharge to imported LLW
 - Resulted in a positive \$32 million fiscal note for the next biennium
- Placed restrictions on what types of LLW and who could request an import agreement
 - Only generators of LLW may request agreements
- Requires future capacity studies
- Other topics are also included (e.g. rate setting)



- Make conforming changes due to definitions throughout (i.e. "nonparty compact waste")
- Remove existing (b) as Vermont's capacity is now reserved by law
- Add (b)(1) & (2) to restrict importation
 - Lists annual volume and curie limits that match SB 1504
- Remove most of (c) related to capacity studies as SB 1504 requires that TCEQ capacity studies be used



- Revised (d) to add that only generators can submit an application for importation
- Revised (e) to incorporate forms for application and agreement into the rule to comply with SB 1504
- Added (f)(6) to clarify that Compact Commission fees are separate from other surcharges or fees



- Revised (g) to streamline the notice and timing of an agreement for importation
 - Legislative intent was clear in SB 1504
 - Texas included \$32 million from importation in its budget for the next biennium, starting September 1, 2011
 - Compact Commission funding for 2013 is dependent on disposal fees
 - Extensive comments were obtained on import through the legislative process



- Revised (g) now reflects:
 - Decisions on importation by the Compact Commission within 60 days of an application
 - Several factors for consideration were removed that were not included in SB 1504
 - Publication in Texas Register eliminated due to clear directive from Legislature and extensive public input
- Moved intent of (i)(2) to (k)(1) as TCEQ is now responsible for determining if the waste is acceptable



- Removed (o) to reflect that importation has been approved by the Texas legislature
- Added definitions from SB 1504 to (p)

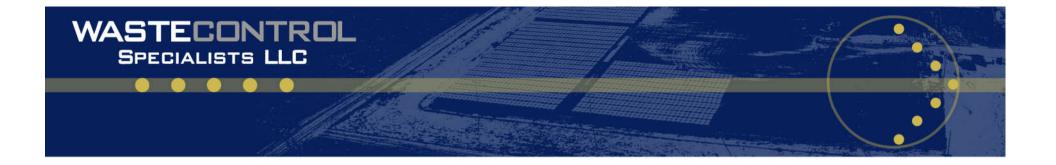
Questions on the Rule Revisions?



- Application form was created to conform to the revised rule
 - Required to be submitted by a generator
 - Includes pertinent waste information
 - Requires disclosure of unresolved violations
 - Requires certifications to conform to the rule and benefit the Compact Commission
 - Includes area for Compact Commission action



- Agreement form was created to conform to the revised rule and incorporate application form
 - Recitals to conform to the rule and other applicable statutes
 - Agreement may be amended or revoked by the Compact Commission prior to importation
 - Not assignable to another person
 - Conditioned on receipt by Compact Facility
 Operator of certification of waste to be imported by
 TCEQ prior to disposal



Questions on the Proposed Forms?