Overview of Proposed Changes to Rules for Import of LLRW

Texas LLRW Disposal Compact Commissioners

By: Rod Baltzer, President
August 20, 2011
SB 1504 Set Legislative Intent

• 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
Proposed Rule §675.23 Revisions (Pg 2)

- 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
Proposed Rule §675.23 Revisions (Pg 5)

- 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?
Proposed Application Form

• 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
Proposed Agreement Form

• 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?