



# **Overview of Proposed Changes to Rules for Import of LLRW**

**Texas LLRW Disposal Compact Commissioners**

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## **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

## **SB 1504 Legislation Summary (Pg 1)**

- 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

## **SB 1504 Legislation Summary (Pg 2)**

- 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)



## Proposed Rule §675.23 Revisions (Pg 1)

- 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



## Proposed Rule §675.23 Revisions (Pg 3)

- 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



## Proposed Rule §675.23 Revisions (Pg 4)

- 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?