

SENATE BILL No. 721

December 7, 1989, Introduced by Senators SHINKLE, DE GROW, GEAKE, CARL, KELLY, SCHWARZ, FREDRICKS, EHLERS, BINSFELD, CRUCE, FESSLER, ARTHURHULTZ, DILLINGHAM and WELBORN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 1 of Act No. 460 of the Public Acts of 1982, entitled

"An act entering into the midwest interstate low-level radioactive waste compact,"

being section 3.751 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 460 of the Public Acts of
2 1982, being section 3.751 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. The midwest interstate low-level radioactive waste
5 compact is enacted into law and entered into with all jurisdic-
6 tions legally joining therein, in the form substantially as
7 follows:

ARTICLE I. POLICY AND PURPOSE

1 There is created the Midwest Interstate Low-Level
2 Radioactive Waste Compact.

3 The states party to this compact recognize that the Congress
4 of the United States, by enacting the Low-Level Radioactive Waste
5 Policy Act (42 U.S.C. 2021b to 2021d), has provided for and
6 encouraged the development of low-level radioactive waste com-
7 pacts as a tool for managing such waste. The party states
8 acknowledge that the Congress has declared that each state is
9 responsible for providing for the availability of capacity either
10 within or outside the state for the disposal of low-level radio-
11 active waste generated within its borders, except for waste gen-
12 erated as a result of certain defense activities of the federal
13 government or federal research and development activities. The
14 party states also recognize that the management of low-level
15 radioactive waste is handled most efficiently on a regional
16 basis; and, that the safe and efficient management of low-level
17 radioactive waste generated within the region requires that suf-
18 ficient capacity to manage such waste be properly provided.

19 a. It is the policy of the party states to enter into a
20 regional low-level radioactive waste management compact for the
21 purpose of:

22 1. Providing the instrument and framework for a cooperative
23 effort;

24 2. Providing sufficient facilities for the proper manage-
25 ment of low-level radioactive waste generated in the region;
26

1 a. "Care" means the continued observation of a facility
2 after closure for the purposes of detecting a need for mainte-
3 nance, ensuring environmental safety, and determining compliance
4 with applicable licensure and regulatory requirements and includ-
5 ing the correction of problems which are detected as a result of
6 that observation.

7 b. "Commission" means the Midwest Interstate Low-Level
8 Radioactive Waste Commission.

9 c. "Decommissioning" means the measures taken at the end of
10 a facility's operating life to assure the continued protection of
11 the public from any residual radioactivity or other potential
12 hazards present at a facility.

13 d. "Disposal" means the isolation of waste from the bio-
14 sphere in a permanent facility designed for that purpose.

15 e. "Eligible state" means a state qualified to be a party
16 state to this compact as provided in Article VIII.

17 f. "Facility" means a parcel of land or site, together with
18 the structures, equipment and improvements on or appurtenant to
19 the land or site, which is used or is being developed for the
20 treatment, storage or disposal of low-level radioactive waste.

21 g. "Generator" means any person who produces or possesses
22 low-level radioactive waste in the course of or incident to manu-
23 facturing, power generation, processing, medical diagnosis and
24 treatment, research, or other industrial or commercial activity
25 and who, to the extent required by law, is licensed by the U.S.
26 Nuclear Regulatory Commission or a party state, to produce or
27 possess such waste. Generator does not include a person who

1 provides a service by arranging for the collection,
2 transportation, treatment, storage or disposal of wastes gener-
3 ated outside the region.

4 h. "Host state" means any state which is designated by the
5 Commission to host a regional facility.

6 i. "Low-level radioactive waste" or "waste" means radioac-
7 tive waste not classified as high-level radioactive waste, trans-
8 uranic waste, spent nuclear fuel or by-product material as
9 defined in Section 11(e)(2) of the Atomic Energy Act of 1954 (42
10 U.S.C. 2014).

11 j. "Management plan" means the plan adopted by the
12 Commission for the storage, transportation, treatment and dis-
13 posal of waste within the region.

14 k. "Party state" means any eligible state which enacts the
15 compact into law.

16 l. "Person" means any individual, corporation, business
17 enterprise or other legal entity either public or private and any
18 legal successor, representative, agent or agency of that individ-
19 ual, corporation, business enterprise, or legal entity.

20 m. "Region" means the area of the party states.

21 n. "Regional facility" means a facility which is located
22 within the region and which is established by a party state pur-
23 suant to designation of that state as a host state by the
24 Commission.

25 o. "Site" means the geographic location of a facility.

1 p. "State" means a state of the United States, the District
2 of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands
3 or any other territorial possession of the United States.

4 q. "Storage" means the temporary holding of waste for
5 treatment or disposal.

6 r. "Treatment" means any method, technique or process,
7 including storage for radioactive decay, designed to change the
8 physical, chemical or biological characteristics or composition
9 of any waste in order to render the waste safer for transport or
10 management, amenable to recovery, convertible to another usable
11 material, or reduced in volume.

12 s. "Waste management" means the storage, transportation,
13 treatment, or disposal of waste.

14 ARTICLE III. THE COMMISSION

15 a. There is hereby created the Midwest Interstate Low-Level
16 Radioactive Waste Commission. The Commission consists of one
17 voting member from each party state. The Governor of each party
18 state shall notify the Commission in writing of its member and
19 any alternates. An alternate may act on behalf of the member
20 only in that member's absence. The method for selection and the
21 expenses of each Commission member shall be the responsibility of
22 the member's respective state.

23 b. Each Commission member is entitled to one vote. No
24 action of the Commission is binding unless a majority of the
25 total membership cast their vote in the affirmative.

1 c. The Commission shall elect annually from among its
2 members a chairperson. The Commission shall adopt and publish,
3 in convenient form, bylaws, and policies which are not inconsis-
4 tent with this compact, including procedures which substantially
5 conform with the provisions of federal law on administrative pro-
6 cedure compiled at 5 U.S.C. 500 to 559 in regard to notice, con-
7 duct and recording of meetings; access by the public to records;
8 provision of information to the public; conduct of adjudicatory
9 hearings; and issuance of decisions.

10 d. The Commission shall meet at least once annually and
11 shall also meet upon the call of the chairperson or a Commission
12 member.

13 e. All meetings of the Commission shall be open to the
14 public with reasonable advance notice. The Commission may, by
15 majority vote, close a meeting to the public for the purpose of
16 considering sensitive personnel or legal strategy matters.
17 However, all Commission actions and decisions shall be made in
18 open meetings and appropriately recorded.

19 f. The Commission may establish advisory committees for the
20 purpose of advising the Commission on any matters pertaining to
21 waste management.

22 g. The office of the Commission shall be in a party state.
23 The Commission may appoint or contract for and compensate such
24 limited staff necessary to carry out its duties and functions.
25 The staff shall serve at the Commission's pleasure with the
26 exception that staff hired as the result of securing federal
27 funds shall be hired and governed under applicable federal

1 statutes and regulations. In selecting any staff, the Commission
2 shall assure that the staff has adequate experience and formal
3 training to carry out the functions assigned to it by the
4 Commission.

5 h. The Commission may:

6 1. Enter into an agreement with any person, state, or group
7 of states for the right to use regional facilities for waste gen-
8 erated outside of the region and for the right to use facilities
9 outside the region for waste generated within the region. The
10 right of any person to use a regional facility for waste gener-
11 ated outside of the region requires an affirmative vote of a
12 majority of the Commission, including the affirmative vote of the
13 member of the host state in which any affected regional facility
14 is located.

15 2. Approve the disposal of waste generated within the
16 region at a facility other than a regional facility.

17 3. Appear as an intervenor or party in interest before any
18 court of law or any federal, state or local agency, board or com-
19 mission in any matter related to waste management. In order to
20 represent its views, the Commission may arrange for any expert
21 testimony, reports, evidence or other participation.

22 4. Review the emergency closure of a regional facility,
23 determine the appropriateness of that closure, and take whatever
24 actions are necessary to ensure that the interests of the region
25 are protected.

26 5. Take any action which is appropriate and necessary to
27 perform its duties and functions as provided in this compact.

1 6. Suspend the privileges or revoke the membership of a
2 party state by a two-thirds vote of the membership in accordance
3 with Article VIII.

4 i. The Commission shall:

5 1. Receive and act on the petition of a nonparty state to
6 become an eligible state.

7 2. Submit an annual report to, and otherwise communicate
8 with, the governors and the appropriate officers of the legisla-
9 tive bodies of the party states regarding the activities of the
10 Commission.

11 3. Hear, negotiate, and, as necessary, resolve by final
12 decision disputes which may arise between the party states
13 regarding this compact.

14 4. Adopt and amend, by a two-thirds vote of the membership,
15 in accordance with the procedures and criteria developed pursuant
16 to Article IV, a regional management plan which designates host
17 states for the establishment of needed regional facilities.

18 5. Adopt an annual budget.

19 6. IMMEDIATELY ENTER IN NEGOTIATIONS WITH ANY OTHER STATE
20 OR GROUP OF STATES TO PROVIDE FOR THE CONSOLIDATION OF EXISTING
21 AND PROPOSED FACILITIES TO ASSURE THAT THIS NATION DEVELOPS THE
22 FEWEST POSSIBLE FACILITIES TO PROVIDE FOR THE SAFE, EFFECTIVE,
23 AND EFFICIENT DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

24 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ENTER
25 INTO AGREEMENTS WITH ANY PERSON, STATE, OR GROUP OF STATES FOR
26 THE RIGHT TO USE REGIONAL FACILITIES FOR WASTE GENERATED OUTSIDE

1 OF THE REGION AND FOR THE RIGHT TO USE FACILITIES OUTSIDE OF THE
2 REGION FOR WASTE GENERATED INSIDE THE REGION.

3 j. Funding of the budget of the Commission shall be pro-
4 vided as follows:

5 1. Each state, upon becoming a party state, shall pay
6 \$50,000 or \$1,000 per cubic meter of waste shipped from that
7 state in 1980, whichever is lower, to the Commission which shall
8 be used for the administrative costs of the Commission;

9 2. Each state hosting a regional facility shall levy sur-
10 charges on all users of the regional facility based upon its por-
11 tion of the total volume and characteristics of wastes managed at
12 that facility. The surcharges collected at all regional facili-
13 ties shall:

14 (a) Be sufficient to cover the annual budget of the
15 Commission; and

16 (b) Represent the financial commitments of all party states
17 to the Commission; and

18 (c) Be paid to the Commission, provided, however, that each
19 host state collecting surcharges may retain a portion of the col-
20 lection sufficient to cover its administrative costs of collec-
21 tion, and that the remainder be sufficient only to cover the
22 approved annual budget of the Commission.

23 k. The Commission shall keep accurate accounts of all
24 receipts and disbursements. The Commission shall contract with
25 an independent certified public accountant to annually audit all
26 receipts and disbursements of Commission funds, and to submit an
27 audit report to the Commission. The audit report shall be made a

1 part of the annual report of the Commission required by this
2 Article.

3 1. The Commission may accept for any of its purposes and
4 functions and may utilize and dispose of any donations, grants of
5 money, equipment, supplies, materials and services from any state
6 or the United States (or any subdivision or agency thereof), or
7 interstate agency, or from any institution, person, firm or
8 corporation. The nature, amount and condition, if any, attendant
9 upon any donation or grant accepted or received by the Commission
10 together with the identity of the donor, grantor or lender, shall
11 be detailed in the annual report of the Commission.

12 m. The Commission is not liable for any costs associated
13 with any of the following:

- 14 1. The licensing and construction of any facility,
- 15 2. The operation of any facility,
- 16 3. The stabilization and closure of any facility,
- 17 4. The care of any facility,
- 18 5. The extended institutional control, after care of any
19 facility, or
- 20 6. The transportation of waste to any facility.

21 n. 1. The Commission is a legal entity separate and dis-
22 tinct from the party states and is liable for its actions as a
23 separate and distinct legal entity. Liabilities of the
24 Commission are not liabilities of the party states. Members of
25 the Commission are not personally liable for actions taken by
26 them in their official capacity.

1 2. Except as provided under sections m. and n.1. of this
2 article, nothing in this compact alters liability for any act,
3 omission, course of conduct or liability resulting from any
4 causal or other relationships.

5 o. Any person aggrieved by a final decision of the
6 Commission may obtain judicial review of such decision in any
7 court of competent jurisdiction by filing in such court a peti-
8 tion for review within 60 days after the Commission's final
9 decision.

10 ARTICLE IV. REGIONAL MANAGEMENT PLAN

11 The Commission shall adopt a regional management plan
12 designed to ensure the safe and efficient management of waste
13 generated within the region. In adopting a regional waste man-
14 agement plan the Commission shall:

15 a. Adopt procedures for determining, consistent with con-
16 siderations for public health and safety, the type and number of
17 regional facilities which are presently necessary and which are
18 projected to be necessary to manage waste generated within the
19 region;

20 b. Develop and consider policies promoting source reduction
21 of waste generated within the region;

22 c. Develop and adopt procedures and criteria for identify-
23 ing a party state as a host state for a regional facility. In
24 developing these criteria, the Commission shall consider all the
25 following:

- 1 1. The health, safety, and welfare of the citizens of the
2 party states.
- 3 2. The existence of regional facilities within each party
4 state.
- 5 3. The minimization of waste transportation.
- 6 4. The volumes and types of wastes generated within each
7 party state.
- 8 5. The environmental, economic, and ecological impacts on
9 the air, land and water resources of the party states.
- 10 d. Conduct such hearings, and obtain such reports, studies,
11 evidence and testimony required by its approved procedures prior
12 to identifying a party state as a host state for a needed
13 regional facility;
- 14 e. Prepare a draft management plan, including procedures,
15 criteria and host states, including alternatives, which shall be
16 made available in a convenient form to the public for comment.
17 Upon the request of a party state, the Commission shall conduct a
18 public hearing in that state prior to the adoption of the manage-
19 ment plan. The management plan shall include the Commission's
20 response to public and party state comment.

21 ARTICLE V. RIGHTS AND OBLIGATIONS OF PARTY STATES

- 22 a. Each party state shall act in good faith in the per-
23 formance of acts and courses of conduct which are intended to
24 ensure the provision of facilities for regional availability and
25 usage in a manner consistent with this compact.

1 b. Each party state has the right to have all wastes
2 generated within its borders managed at regional facilities
3 subject to the provisions contained in Article IX.c. All party
4 states have an equal right of access to any facility made avail-
5 able to the region by any agreement entered into by the
6 Commission pursuant to Article III.

7 c. Party states or generators may negotiate for the right
8 of access to a facility outside the region and may export waste
9 outside the region subject to Commission approval under Article
10 III.

11 d. To the extent permitted by federal law, each party state
12 may enforce any applicable federal and state laws, regulations
13 and rules pertaining to the packaging and transportation of waste
14 generated within or passing through its borders. Nothing in this
15 section shall be construed to require a party state to enter into
16 any agreement with the U.S. Nuclear Regulatory Commission.

17 e. Each party state shall provide to the Commission any
18 data and information the Commission requires to implement its
19 responsibilities. Each party state shall establish the capabil-
20 ity to obtain any data and information required by the
21 Commission.

22 ARTICLE VI. DEVELOPMENT AND OPERATION OF FACILITIES

23 a. Any party state may volunteer to become a host state,
24 and the Commission may designate that state as a host state upon
25 a two-thirds vote of its members.

1 b. If all regional facilities required by the regional
2 management plan are not developed pursuant to section a., or upon
3 notification that an existing regional facility will be closed,
4 the Commission may designate a host state.

5 c. Each party state designated as a host state is responsi-
6 ble for determining possible facility locations within its
7 borders. The selection of a facility site shall not conflict
8 with applicable federal and host state laws, regulations and
9 rules not inconsistent with this compact and shall be based on
10 factors including, but not limited to, geological, environmental
11 and economic viability of possible facility locations.

12 d. Any party state designated as a host state may request
13 the Commission to relieve that state of the responsibility to
14 serve as a host state. The Commission may relieve a party state
15 of this responsibility only upon a showing by the requesting
16 party state that no feasible potential regional facility site of
17 the type it is designated to host exists within its borders.

18 e. After a state is designated a host state by the
19 Commission, it is responsible for the timely development and
20 operation of a regional facility.

21 f. To the extent permitted by federal and state law, a host
22 state shall regulate and license any facility within its borders
23 and ensure the extended care of that facility.

24 g. The Commission may designate a party state as a host
25 state while a regional facility is in operation if the Commission
26 determines that an additional regional facility is or may be
27 required to meet the needs of the region. The Commission shall

1 make this designation following the procedures established under
2 Article IV.

3 h. Designation of a host state is for a period of 20 years
4 or the life of the regional facility which is established under
5 that designation, whichever is longer. Upon request of a host
6 state, the Commission may modify the period of its designation.

7 i. A host state may establish a fee system for any regional
8 facility within its borders. The fee system shall be reasonable
9 and equitable. This fee system shall provide the host state with
10 sufficient revenue to cover any costs, including but not limited
11 to the planning, siting, licensure, operation, decommissioning,
12 extended care and long-term liability, associated with such
13 facilities. This fee system may also include reasonable revenue
14 beyond the costs incurred for the host state, subject to approval
15 by the Commission. A host state shall submit an annual financial
16 audit of the operation of the regional facility to the
17 Commission. The fee system may include incentives for source
18 reduction and may be based on the hazard of the waste as well as
19 the volume.

20 j. A host state shall ensure that a regional facility
21 located within its borders which is permanently closed is prop-
22 erly decommissioned. A host state shall also provide for the
23 care of a closed or decommissioned regional facility within its
24 borders so that the public health and safety of the state and
25 region are ensured.

26 k. A host state intending to close a regional facility
27 located within its borders shall notify the Commission in writing

1 of its intention and the reasons. Notification shall be given to
2 the Commission at least five years prior to the intended date of
3 closure. This section shall not prevent an emergency closing of
4 a regional facility by a host state to protect its air, land and
5 water resources and the health and safety of its citizens.

6 However, a host state which has an emergency closing of a
7 regional facility shall notify the Commission in writing within
8 three working days of its action and shall, within 30 working
9 days of its action, demonstrate justification for the closing.

10 1. If a regional facility closes before an additional or
11 new facility becomes operational, waste generated within the
12 region may be shipped temporarily to any location agreed on by
13 the Commission until a regional facility is operational.

14 m. A party state which is designated as a host state by the
15 Commission and fails to fulfill its obligations as a host state
16 may have its privileges under the compact suspended or membership
17 in the compact revoked by the Commission.

18 ARTICLE VII. OTHER LAWS AND REGULATIONS

19 a. Nothing in this compact:

20 1. Abrogates or limits the applicability of any act of
21 Congress or diminishes or otherwise impairs the jurisdiction of
22 any federal agency expressly conferred thereon by the Congress;

23 2. Prevents the enforcement of any other law of a party
24 state which is not inconsistent with this compact;

25 3. Prohibits any storage or treatment of waste by the
26 generator on its own premises;

1 4. Affects any administrative or judicial proceeding
2 pending on the effective date of this compact;

3 5. Alters the relations between and the respective internal
4 responsibility of the government of a party state and its subdi-
5 visions;

6 6. Affects the generation, treatment, storage or disposal
7 of waste generated by the atomic energy defense activities of the
8 Secretary of the U.S. Department of Energy or successor agencies
9 or federal research and development activities as described in
10 section 31 of the Atomic Energy Act of 1954 (42 U.S.C. 2051); or

11 7. Affects the rights and powers of any party state or its
12 political subdivisions to the extent not inconsistent with this
13 compact, to regulate and license any facility or the transporta-
14 tion of waste within its borders or affects the rights and powers
15 of any party state and its political subdivisions to tax or
16 impose fees on the waste managed at any facility within its
17 borders.

18 8. Requires a party state to enter into any agreement with
19 the U.S. Nuclear Regulatory Commission.

20 9. Alters or limits liability of transporters of waste,
21 owners and operators of sites for their acts, omissions, conduct
22 or relationships in accordance with applicable laws.

23 b. For purposes of this compact, all state laws or parts of
24 laws in conflict with this compact are hereby superseded to the
25 extent of the conflict.

26 c. No law, rule or regulation of a party state or of any of
27 its subdivisions or instrumentalities may be applied in a manner

1 which discriminates against the generators of another party
2 state.

3 ARTICLE VIII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY
4 INTO FORCE, TERMINATION

5 a. Eligible parties to this compact are the states of
6 Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland,
7 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
8 South Dakota, Virginia and Wisconsin. Eligibility terminates on
9 July 1, 1984.

10 b. Any state not eligible for membership in the compact may
11 petition the Commission for eligibility. The Commission may
12 establish appropriate eligibility requirements. These require-
13 ments may include, but are not limited to, an eligibility fee or
14 designation as a host state. A petitioning state becomes eligi-
15 ble for membership in the compact upon the approval of the
16 Commission, including the affirmative vote of all host states.
17 Any state becoming eligible upon the approval of the Commission
18 becomes a member of the compact in the same manner as any state
19 eligible for membership at the time this compact enters into
20 force.

21 c. An eligible state becomes a party state when the state
22 enacts the compact into law and pays the membership fee required
23 in Article III.j.1.

24 d. The Commission is formed upon the appointment of
25 Commission members and the tender of the membership fee payable
26 to the Commission by three party states. The Governor of the
27 first state to enact this compact shall convene the initial

1 meeting of the Commission. The Commission shall cause
2 legislation to be introduced in the Congress which grants the
3 consent of the Congress to this compact, and shall take action
4 necessary to organize the Commission and implement the provision
5 of this compact.

6 e. Any party state may withdraw from this compact by
7 repealing the authorizing legislation but no withdrawal may take
8 effect until five years after the governor of the withdrawing
9 state gives notice in writing of the withdrawal to the Commission
10 and to the governor of each party state. Withdrawal does not
11 affect any liability already incurred by or chargeable to a party
12 state prior to the time of such withdrawal. Any host state which
13 grants a disposal permit for waste generated in a withdrawing
14 state shall void the permit when the withdrawal of that state is
15 effective.

16 f. Any party state which fails to comply with the terms of
17 this compact or fails to fulfill its obligations may have its
18 privileges suspended or its membership in the compact revoked by
19 the Commission in accordance with Article III.h.6. Revocation
20 takes effect one year from the date the affected party state
21 received written notice from the Commission of its action. All
22 legal rights of the affected party state established under this
23 compact cease upon the effective date of revocation but any legal
24 obligations of that party state arising prior to revocation con-
25 tinue until they are fulfilled. The chairperson of the
26 Commission shall transmit written notice of a revocation of a
27 party state's membership in the compact immediately following the

1 vote of the Commission to the governor of the affected party
2 state, all other governors of the party states and the Congress
3 of the United States.

4 g. This compact becomes effective upon enactment by at
5 least three eligible states and consent to this compact by
6 Congress. The Congress shall have an opportunity to withdraw
7 such consent every five years. Failure of the Congress to affir-
8 matively withdraw its consent has the effect of renewing consent
9 for an additional five year period. The consent given to this
10 compact by the Congress shall extend to any future admittance of
11 new party states under sections b. and c. of this article and
12 to the power of the Commission to ban the shipment of waste from
13 the region pursuant to Article III.

14 h. The withdrawal of a party state from this compact under
15 section e. of this article or the suspension or revocation of a
16 state's membership in this compact under section f. of this
17 article does not affect the applicability of this compact to the
18 remaining party states.

19 i. A state which has been designated by the Commission to
20 be a host state has 90 days from receipt by the Governor of writ-
21 ten notice of designation to withdraw from the compact without
22 any right to receive refund of any funds already paid pursuant to
23 this compact, and without any further payment. Withdrawal
24 becomes effective immediately upon notice as provided in section
25 e. of this article. A designated host state which withdraws
26 from the compact after 90 days and prior to fulfilling its
27 obligations shall be assessed a sum the Commission determines to

1 be necessary to cover the costs borne by the Commission and
2 remaining party states as a result of that withdrawal.

3 ARTICLE IX. PENALTIES

4 a. Each party state shall prescribe and enforce penalties
5 against any person who is not an official of another state for
6 violation of any provision of this compact.

7 b. Unless otherwise authorized by the Commission pursuant
8 to Article III.h. after January 1, 1986, it is a violation of
9 this compact:

10 1. For any person to deposit at a regional facility waste
11 not generated within the region;

12 2. For any regional facility to accept waste not generated
13 within the region;

14 3. For any person to export from the region waste which is
15 generated within the region; or

16 4. For any person to dispose of waste at a facility other
17 than a regional facility.

18 c. Each party state acknowledges that the receipt by a host
19 state of waste packaged or transported in violation of applicable
20 laws, rules and regulations may result in the imposition of sanc-
21 tions by the host state which may include suspension or revoca-
22 tion of the violator's right of access to the facility in the
23 host state.

24 d. Each party state has the right to seek legal recourse
25 against any party state which acts in violation of this compact.

1 ARTICLE X. SEVERABILITY AND CONSTRUCTION

2 The provisions of this compact shall be severable and if any
3 phrase, clause, sentence or provision of this compact is declared
4 by a court of competent jurisdiction to be contrary to the
5 Constitution of any participating state or of the United States
6 or the applicability thereof to any government, agency, person or
7 circumstance is held invalid, the validity of the remainder of
8 this compact and the applicability thereof to any government,
9 agency, person or circumstance shall not be affected thereby. If
10 any provision of this compact shall be held contrary to the
11 Constitution of any state participating therein, the compact
12 shall remain in full force and effect as to the state affected as
13 to all severable matters.