WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
Committee Substitute
SENATE BILL NO. 279

(By Mrs. Spurr of Columbus)

PASSED April 12, 1985
In Effect from Passage
AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-h, relating generally to approving, ratifying and enacting into law the “Appalachian States Low-Level Radioactive Waste Compact” and making the state of West Virginia a party thereto; creating the “Appalachian States Low-Level Radioactive Waste Commission”; providing for the appointment of said commissioners for certain terms by the governor; providing for all necessary and incidental powers of the commission for carrying out the compact; authorizing and directing all officers of this state to do what is necessary or incidental to carry out the compact; giving the director of health primary responsibility; powers to be supplemental and not a limitation upon other powers; authorizing and directing the state and its subdivisions to cooperate with the director of health; authorizing the director of health to promulgate rules and regulations; authorizing the director of health, the attorney general and certain county prosecutors to seek injunctions of violations.
without bond, lack of remedy at law or exhaustion of administrative remedies; authorizing the director of health to remedy certain conditions arising from violations; authorizing the director of health and the attorney general to prosecute actions for judgments for the costs of remedial actions; authorizing punitive fines and penalties; providing for actions in circuit court as contested cases pursuant to the administrative procedure act; subpoena power; providing criminal felonies, misdemeanors; imprisonment and fines as penalties for violations of the compact, this article or rules and regulations promulgated pursuant to the compact or this article; this article and the compact to prevail over inconsistent laws of this state; appropriations; and when article effective.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-h, to read as follows:

ARTICLE 1H. APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT.

§29-1H-1. Appalachian states low-level radioactive waste compact approved.

1 The following Appalachian States Low-Level Radioactive Waste Compact, which has been negotiated by representatives of the Commonwealth of Pennsylvania, and the states of West Virginia, Delaware and Maryland, is hereby approved, ratified, adopted, enacted into law, and entered into by the state of West Virginia as a party state thereto, namely:

APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT

Preamble

WHEREAS, The United States Congress, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. §§2021b-2021d) has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste; and
WHEREAS, Under section 4 (a) (1) (A) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. §§2021 (a) (1) (A)), each state is responsible for providing for the capacity for disposal of low-level radioactive waste generated within its borders;

WHEREAS, To promote the health, safety and welfare of residents within the Commonwealth of Pennsylvania and the states of West Virginia, Delaware and Maryland, the aforementioned states wish to enter into a compact for the regional management of low-level radioactive waste;

Now, therefore, the Commonwealth of Pennsylvania and the states of West Virginia, Delaware and Maryland hereby agree to enter into the Appalachian States Low-Level Radioactive Waste Compact.

Article 1
Definitions

As used in this compact, unless the context clearly indicates otherwise:

(a) “Carrier” means a person who transports low-level waste to a regional facility.

(b) “Commission” means the Appalachian States Low-Level Radioactive Waste Commission.

(c) “Disposal” means the isolation of low-level waste from the biosphere or other such activity for the disposition of low-level waste that meets applicable federal and state laws and regulations.

(d) “Facility” means any real or personal property, within the region, and improvements thereof or thereon, and any and all plant, structures, machinery and equipment, acquired, constructed, operated or maintained for the management or disposal of low-level waste.

(e) “Generate” means to produce low-level waste requiring disposal.

(f) “Generator” means a person whose activity results in the production of low-level waste requiring disposal.

(g) “Host state” means Pennsylvania or other party state so designated by the Commission in accordance with Article 3 of this compact.

(h) “Low-level waste” means radioactive waste that:

(1) Is neither high-level waste or transuranic waste, nor spent nuclear fuel, nor by-product material as defined in
Section 11 (e) (2) of the Atomic Energy Act of 1954 as amended; and 
(2) Is classified by the federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the federal government, as defined in Public Law 96-573, or federal research and development activities. (i) "Management" means the reduction, collection, consolidation, storage, packaging or treatment of low-level waste. 
(j) "Operator" means a person who operates a regional facility. 
(k) "Party state" means any state that has become a party in accordance with Article 5 of this compact. 
(l) "Person" means an individual, corporation, partnership or other legal entity, whether public or private. 
(m) "Region" means the combined geographical area within the boundaries of the party states. 
(n) "Regional facility" means a facility within any party state which has been approved by the Commission for the disposal of low-level waste. 
(o) "Transuranic waste" means low-level waste containing radionuclides with an atomic number greater than 92 which are excluded from shallow-land burial by the federal government. 

Article 2

The Commission

(A) Creation and Organization. 
(1) There is hereby created the Appalachian States Low-Level Radioactive Waste Commission. The Commission is hereby created as a body corporate and politic, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties, but separate and distinct from the respective signatory party states. The Commission shall have central offices located in Pennsylvania. 
(2) Commission Membership—The Commission shall consist of two voting members from each party state to be appointed according to the laws of each party state, and two additional voting members from each host state to be appointed according to the laws of each host state. The appointing authority of each party state shall notify the
Commission in writing of the identities of the members and
of any alternates. An alternate may act in the member's
absence.

(3) Compensation—Members of the Commission and
alternates shall serve without compensation from the
Commission but may be reimbursed for necessary expenses
incurred in and incident to the performance of their duties.

(4) Voting Power—Each Commission member is
entitled to one vote. The affirmative vote of a majority of all
members is necessary for the Commission to take any
action. Notwithstanding this provision and unless
otherwise provided in this compact, affirmative votes by a
majority of a host state’s members are necessary for the
Commission to take any action related to the regional
facility and the disposal and management of low-level
waste within that host state.

(5) Organization and Procedure.

(a) The Commission shall provide for its own
organization and procedures, and shall adopt bylaws not
inconsistent with this compact and any rules and
regulations necessary to implement this compact. It shall
meet at least once a year and shall elect a chairman from
among its members. In the absence of the chairman, the
alternate shall serve.

(b) All meetings of the Commission shall be open to the
public with reasonable advance notice. The Commission
may, by a majority vote, including approval of a majority of
each host state’s Commission members, hold an Executive
Session closed to the public for the purpose of: Considering
or discussing legally privileged or proprietary information;
to consider dismissal, disciplining of, or hearing complaints
or charges brought against an employee or other public
agent unless such person requests such public hearing; or to
consult with its attorney regarding information or strategy
in connection with specific litigation. The reason for the
Executive Session must be announced during the open
meeting occurring immediately prior to the Executive
Session or at the open meeting immediately subsequent to
the Executive Session. All action taken in violation of this
open meeting provision shall be null and void.

(c) Detailed written minutes shall be kept of all
meetings of the Commission. All decisions, files, records
and data of the Commission shall be open to reasonable public inspection and may be copied upon request and payment of reasonable fees to be established by the Commission, except for information privileged against introduction in judicial proceedings, personnel records, proprietary information as determined by the Commission, and minutes of a properly convened Executive Session.

(d) The Commission shall select an appropriate staff, including an executive director, to carry out the duties and functions assigned by the Commission. Notwithstanding any other provision of law the Commission may hire and/or retain its own legal counsel.

(e) Any person aggrieved by a final decision of the Commission which adversely affects the legal rights, duties or privileges of such person, may petition a court of competent jurisdiction, within sixty days after the Commission’s final decision, to obtain judicial review of said final decisions.

(f) Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be personally liable for actions taken in their official capacity.

(B) Powers and Duties.

(1) The Commission:

(a) Should encourage reduction of the amount of low-level waste generated and low-level waste requiring disposal within the region.

(b) Shall do whatever is reasonably necessary to ensure that low-level wastes are safely disposed of within the region except that the Commission shall have no power or authority to license, regulate or otherwise develop a regional facility, such powers and authority being reserved for the host state(s) as permitted under the law.

(c) Shall designate as “host states” any party state which generates twenty-five percent or more of Pennsylvania’s volume of low-level waste generated based on a comparison of averages over three successive years, as determined by the Commission.

(d) Shall ensure that low-level waste packages brought into the regional facility for disposal conform to applicable state and federal regulations. Low-level waste handlers, shippers or generators who persistently violate these
regulations will be subject to a fine or other penalty imposed by the Commission, including restricted access to a regional facility. The Commission may impose such fines and/or penalties in addition to any other penalty levied by the party states pursuant to Article 4 (D).

(e) May establish such advisory committees as it deems necessary for the purpose of advising the Commission on matters pertaining to the management of low-level waste.

(f) May contract to accomplish its duties and effectuate its powers subject to projected available resources. No contract made by the Commission shall bind a party state.

(g) Shall prepare contingency plans for management of low-level waste in the event any regional facility should be closed.

(h) May examine all records of operators of regional facilities pertaining to operating costs, profits or the assessment or collection of any charge, fee or surcharge, and may make recommendations to the host state(s) which shall review the recommendations in accordance with its (their) own sovereign laws.

(i) Shall have the power to sue and be sued subject to Article 2 (A) (5) (e) and may seek to intervene in any administrative or judicial proceeding.

(j) May accept any donations, grants, equipment, supplies, materials or services, conditional or otherwise from any source. The nature, amount and condition, if any, attendant upon any donation, grants or other resources accepted pursuant to this subsection, together with the identity of the donor or grantor, shall be detailed in the annual report of the Commission. Before the Commission may accept any donation, grant, equipment, supplies, materials or services, such gift shall be reviewed by Commission Counsel to study the legality and propriety of such gifts. If the Commission Counsel determines that the receipt of such a gift would be contrary to applicable law or would present a conflict of interest, the Commission shall not accept such gift.

(k) Shall assemble and make available to the party states and to the public, information concerning low-level waste management needs, technologies and problems.

(l) Shall keep current and annual inventories of all generators by name and quantity generated within the
(m) Shall keep an inventory of all regional disposal facilities, including, but not necessarily restricted to, information on their size, capacity and location, as well as specific wastes capable of being managed, and the projected useful life of each regional facility.

(n) Shall make and publish an annual report to the governors of the signatory party states and to the public detailing its programs, operations and finances, including copies of the annual budget and the independent audit required by this compact.

(o) Notwithstanding any other provision of this compact to the contrary, may, with the approval of a majority of the Commission members of the host state(s), enter into agreements with non-party states or other regional boards for the disposal of low-level waste at the regional facility, if so authorized by law(s) of the host state(s), or other disposal facilities located in states that are not parties to this agreement.

(C) Budget and Operation.

(1) The Commission shall establish a fiscal year which conforms to the fiscal year of the Commonwealth of Pennsylvania.

(2) Upon legislative enactment of this compact by two party states and each year until the regional facility becomes available, the Commission shall adopt a current expense budget for its fiscal year. The budget shall include the Commission's estimated expenses for administration. Such expenses shall be allocated to the party states according to the following formula:

Each designated initial host state will be allocated costs equal to twice the costs of the other party states, but such costs will not exceed two hundred thousand dollars.

Each remaining party state will be allocated a cost of one half the cost of the initial host state, but such costs will not exceed one hundred thousand dollars.

The party states will include the amounts allocated above in their respective budgets, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the
Commission in quarterly installments during the fiscal year.

(3) For continued funding of its activities, the Commission shall submit an annual budget request to each party state for funding, based upon the percentage of the region's waste generated in each state in the region, as reported in the latest available annual inventory required under Article 2 (B) (1) (1).

(4) The Commission shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the ensuing year.

(5) Annual Independent Audit.

(a) As soon as practicable after the closing of the fiscal year, an audit shall be made of the financial accounts of the Commission. The audit shall be made by qualified certified public accountants selected by the Commission, who have no personal direct or indirect interest in the financial affairs of the Commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the Commission shall direct. Copies of the report shall be distributed to each Commission member and shall be made available for public distribution.

(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the Commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files and all other papers, things, or property belonging to or in use by the Commission and necessary to facilitate the audit; and, they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents and custodians.

Article 3

Rights, Responsibilities and Obligations of Party States

(A) There shall be regional facilities sufficient to dispose of the low-level waste generated within the region. Each regional facility shall be capable of disposing of such low-level waste but in the form(s) required by regulations or license conditions. Specialized facilities for particular
types of low-level waste management or disposal may be
developed in any party state in accordance with the laws
and regulations of such state and applicable federal laws
and regulations.

(B) Each party state shall have equal access as other
party states to regional facilities located within the region
and accepting low-level waste: Provided, That the host
state may close the regional facility located within its
borders when necessary for public health and safety.
However, a host state shall send notification to the
Commission in writing within three (3) days of its action,
and shall, within thirty (30) working days, provide in
writing the reasons for the closing.

(C) Pennsylvania and party states which generated
twenty-five percent or more of the volume of low-level
waste generated by Pennsylvania based on a comparison of
averages over the three years one thousand nine hundred
eighty-two through one thousand nine hundred eighty-four
are designated as "initial host states" and are required to
develop and host low-level waste sites as regional facilities.

(D) Party states which generated less than twenty-five
percent of the volume of low-level waste generated by
Pennsylvania based on a comparison of averages over the
years one thousand nine hundred eighty-two through one
thousand nine hundred eighty-four shall be exempt from
initial host state responsibilities. These states shall
continue to be exempt as long as they generate less than the
twenty-five percent threshold over successive three-year
periods. Once a state generates twenty-five percent or more
of the volume generated by Pennsylvania over a successive
three-year period, it shall be designated as a "host state" for
a thirty-year period by the Commission. Such host state
shall be prepared to accept at its regional facility low-level
waste at least equal to that generated in the state. With
Commission approval, any party state may volunteer to
host a low-level waste disposal facility.

(E) Pennsylvania and other host states are obligated to
develop regional facilities for the duration of this compact.
All regional facilities shall be designated for at least a
thirty-year useful life. At the end of the facility's life,
normal closure and maintenance procedures shall be
initiated in accordance with the applicable requirements of
the host state and the federal government. Each host state’s obligation for operating regional facilities shall remain as long as the state continues to produce over a three-year period twenty-five percent or more of the volume of low-level waste generated by Pennsylvania.

(F) Each host state shall:

(1) Cause a regional facility to be sited and developed on a timely basis.

(2) Ensure by law, consistent with applicable state and federal law, the protection and preservation of public health and safety in the siting, design, development, licensure, or other regulation, operation, closure, decommissioning and long-term care of the regional facility within the state.

(3) Ensure that charges for disposal of low-level waste at the regional facility are reasonably sufficient to ensure the safe disposal and perpetual care of the regional facility and that charges are assessed without discrimination as to the party state of origin.

(4) Submit an annual report to the Commission on the status of the regional facility which contains projections of the anticipated future capacity.

(5) Notify the Commission immediately if any exigency arises requiring the possible temporary or permanent closure of a regional facility within the state at a time earlier than was projected in the state’s most recent annual report to the Commission.

(G) Each party state:

(1) Shall appropriate its portion of the Commission’s initial and annual budgets as set out in Article 2 (C) (2) and (3).

(2) To the extent authorized by federal law shall develop and enforce procedures requiring low-level waste shipments originating within its borders and destined for a regional facility to conform to volume reduction, packaging and transportation requirements and regulations as well as any other requirements specified by the regional facility.

Such procedures shall include but are not limited to:

(i) Periodic inspections of packaging and shipping practices;

(ii) Periodic inspections of low-level waste containers while in custody of carriers; and
(iii) Appropriate enforcement actions with respect to violations.

(3) To the extent authorized by federal law, shall after receiving notification from a host state that a person in a party state has violated volume reduction, packaging, shipping or transportation requirements or regulations, take appropriate action to ensure that violations do not recur. Appropriate action may include, but is not limited to, the requirement that a bond be posted by the violator to pay the cost of repackaging at the regional facility and the requirement that future shipments be inspected.

(4) Shall maintain a registry of all generators and quantities generated within the state.

(H) In the event of liability arising from the operation of any regional facility and during and after closure of that facility, each party state shall share in that liability in an amount equal to that state’s share of the region’s low-level waste disposed of at the facility. If such liability arises from negligence, malfeasance or neglect on the part of a host state or any party state, then any other host or party state(s) may make any claim allowable under law for that negligence, malfeasance or neglect. If such liability arises from a particular waste shipment or shipments to, or quantity of waste or condition at, the regional facility, then any host or party state may make any claim allowable under law for such liability.

(I) A party state which fails to fulfill its obligations, including timely funding of the Commission may have its privileges under the Compact suspended or its membership in the Compact revoked by the Commission and be subject to any other legal and equitable remedies available to the party states.

Article 4

Prohibited Acts and Penalties

(A) It shall be unlawful for any person to dispose of low-level waste within the region except at a regional facility unless authorized by the Commission.

(B) After establishment of the regional facility or facilities, it shall be unlawful for any person to dispose of any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the Commission and by law of the host state in
which said disposal takes place. For the purposes of this Compact, waste generated within the region excludes radioactive material shipped from outside the party states to a waste management facility within the region. In determining whether to grant such authorization, the factors to be considered by the Commission shall include, but not be limited to, the following:

1. The impact on the health and safety of the citizens of the party states;
2. The impact of importing waste on the available capacity and projected life of the regional facility;
3. The economic impact on the regional facility; and
4. The availability of a regional facility appropriate for the safe disposal of the type of low-level waste involved.

Following the establishment of a regional facility, any and all low-level waste generated within the region shall be disposed of at a regional facility, except for specific cases agreed upon by the Commission, with the affirmative votes by a majority of the Commission members of the host state(s) affected by the decision.

Generators, shippers and carriers of wastes, and owners and operators of sites shall be liable for their acts, omissions, conduct or relationships in accordance with all laws relating thereto. The party states may impose a fine for any violation in an amount equal to the present and future costs associated with correcting any harm caused by the violation and may assess punitive fines or penalties if it is deemed necessary. In addition, the host state may bar any person who violates host state or federal regulations from using the regional facility until that person demonstrates to the satisfaction of the host state their ability and willingness to comply with the law.

Article 5
Eligibility, Entry into Effect, Congressional Consent, Withdrawal

(A) The states of Pennsylvania, West Virginia, Delaware and Maryland, are initially eligible to become parties to this Compact. Other states may be made eligible by unanimous consent of the party states in accordance with the laws of each party state: Provided, That such states be contiguous to Pennsylvania.

(B) An eligible state may become a party state by
legislative enactment of this compact or by executive order
of the governor adopting this compact: Provided, That a
state becoming a party state by executive order shall cease
to be a party state upon adjournment of the first general
session of its Legislature convened thereafter, unless the
Legislature shall have enacted this Compact before such
adjournment.

(C) This Compact shall take effect when it has been
enacted by the Legislatures of Pennsylvania and one or
more eligible states. However, subsections (B) and (C) of
Article 4 shall not take effect until Congress has consented
to this Compact. Every fifth year after such consent has
been given, Congress may withdraw consent.

(D) A party state may withdraw from the Compact by
repealing the enactment of this Compact, but no such
withdrawal shall become effective until two years after
enactment of the repealing legislation. If the withdrawing
state is a host state, any regional facility in that state shall
remain available to receive low-level waste generated
within the region until five years after the effective date of
the withdrawal.

Article 6
Construction and Severability
(A) The provisions of this Compact shall be broadly
construed to carry out the purposes of the Compact, but the
sovereign powers of a party state shall not unnecessarily be
infringed.

(B) If any part or application of this Compact is held
invalid, the remainder, or its application to other situations
or persons, shall not be affected.


1 In pursuance of Article 2 of the Compact, the governor of
2 the state of West Virginia, by and with the advice and
3 consent of the Senate, shall appoint two persons as
4 members of the Appalachian States Low-Level Radioactive
5 Waste Commission from the state of West Virginia, each of
6 whom shall be a resident and citizen of the state. The term of
7 the member of the Commission first appointed shall be two
8 years and of the other shall be four years, and their
9 successors shall be appointed by the governor, by and with
10 the advice and consent of the Senate, for terms of four years
§29-1H-3. Powers of Commission, duties of state officers, departments, etc.

There is hereby granted to the Commission and members of the Commission all of the powers provided for in the Compact and all the powers necessary or incidental to the carrying out of the Compact in every particular. All officers of this state are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary to or incidental to the carrying out of the Compact in every particular, it being hereby declared to be the policy of this state to perform and carry out the Compact and to accomplish the purposes thereof. The director of health shall have the primary responsibility therefor.

§29-1H-4. Powers granted herein supplemental to other powers vested in Commission.

Any powers herein granted to the Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in the Commission by other laws of this state, by the other party states, by Congress or the terms of the Compact.

§29-1H-5. Cooperation of state agencies, boards, departments, subdivisions, etc.

The departments, boards, agencies, commissions, officers and employee of the state and its subdivisions are authorized and directed to cooperate with the director of health in the furtherance of any of his activities pursuant to the Appalachian States Low-Level Radioactive Waste Compact and the provisions of this article.

§29-1H-6. Rules and regulations.

The director of health is authorized to promulgate and adopt rules and regulations as are necessary and incidental
to the carrying out of the Compact and this article. Such authorization shall include, without limitation, rules and regulations necessary and incidental to carrying out subsection two, section (g), article three of the Compact. Such rules and regulations shall be promulgated only in accordance with article three, section twenty-nine-a of this code.

§29-1H-7. Enforcement.

(a) Following the establishment of a regional facility pursuant to the Appalachian States Low-Level Radioactive Waste Compact, the director of health, the attorney general or the prosecuting attorney of any county in which a violation occurs may seek in the name of the state an injunction against any person in violation of any of the provisions of said Compact, this article or the rules and regulations promulgated pursuant to said Compact or this article. In seeking such an injunction it is not necessary for the state to post bond nor to allege or prove at any stage of the proceeding that irreparable harm will occur if the injunction is not issued or that the remedy of the law is inadequate. An application for injunctive relief under this section may be filed and relief granted notwithstanding the fact that all administrative remedies provided for have not been exhausted or invoked against the person or persons against whom such relief is sought.

(b) The director of health is hereby authorized to remedy or to contract to remedy any condition he deems a threat to public health and safety arising from a violation of the Appalachian States Low-Level Radioactive Waste Compact, this article or the rules and regulations promulgated pursuant to the Compact or this article and to proceed pursuant to subsection (c) of this section to recover judgment for the costs thereof.

(c) Pursuant to section (d), Article 4 of the Appalachian States Low-Level Radioactive Waste Compact, the director of health and the attorney general are hereby authorized to prosecute actions for judgments pursuant to subsection (b) of this section. The director of health and the attorney general are further authorized to institute actions to assess punitive fines or penalties pursuant to section (d), Article 4 of the Compact for violations of the Compact, this article or
rules or regulations promulgated pursuant to the Compact or this article. Such actions may be brought at the option of the state in the circuit court of any county in which a violation occurred or may be brought as a contested case pursuant to chapter twenty-nine-a of this code. In any action brought under the provisions of chapter twenty-nine-a of this code, the director of health or the attorney general shall have the power to issue subpoenas and subpoenas duces tecum on behalf of the state or any interested party. The punitive fines and penalties may not exceed the fines provided in section eight of this article and may only be sought in lieu thereof.


(a) Any person who after the establishment of a regional facility pursuant to the Appalachian States Low-Level Radioactive Waste Compact violates or causes to be violated the provisions of section (a) or section (b), Article 4 of the Compact or any of the provisions of or regulations regarding packaging and transportation promulgated pursuant to subsection two, section (g), Article 3 of the Compact is guilty of a felony, and upon conviction thereof, shall be fined not less than one thousand dollars nor more than twenty-five thousand dollars for each day of violation, or imprisoned in the penitentiary not less than one nor more than five years, or both fined and imprisoned. If the conviction is for a violation committed after a first conviction of such person under this subsection, the person shall be guilty of a felony, and upon conviction thereof, shall be fined not less than five thousand dollars nor more than fifty thousand dollars for each day of violation, or shall be imprisoned not less than two nor more than ten years, or both fined and imprisoned.

(b) Any person who after the establishment of a regional facility pursuant to this Compact violates or causes to be violated the provisions of any rules and regulations regarding volume reduction promulgated pursuant to subsection two, section (g), Article 3 of the Compact is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than twenty-five hundred dollars for each day of such violation, or imprisoned in the county jail not less than one nor more than
than five months, or both fined and imprisoned. If the conviction is for a violation committed after a first conviction of such person under this subsection, the person shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than twenty-five thousand dollars for each day of such violation, or shall be imprisoned not less than two nor more than ten years, or both fined and imprisoned.


In the event the provisions of the Appalachian States Low-Level Radioactive Waste Compact, this article or any rules and regulations lawfully promulgated thereunder shall be or become inconsistent with any other provisions of this code, the provisions of the Appalachian States Low-Level Radioactive Waste Compact and this article and the rules and regulations lawfully promulgated thereunder shall prevail to the extent of such inconsistency and the conflicting provisions shall be null and void to the extent of such inconsistency.

§29-1H-10. Appropriations.

The Legislature may appropriate such funds as it considers necessary to carry out the provisions of this article.

§29-1H-11. When article effective.

This article shall take effect and become operative and the Compact be executed for and on behalf of this state only from and after the approval, ratification and adoption, and entering into thereof by the Commonwealth of Pennsylvania.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ..................this the 2nd day of May 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/30/85
Time 6:34 p.m.