§ 29-0103. Siting criteria for permanent disposal facilities.

1. No later than July thirty-first, nineteen hundred eighty-seven, the department shall publish draft regulations which specify the criteria for siting permanent disposal facilities and shall promulgate final regulations no later than December thirty-first, nineteen hundred eighty-seven. Such regulations shall be specific to the types of disposal methods which may be employed at a permanent disposal site and shall include criteria for:

a. above ground, engineered, monitored disposal;

b. underground mined repository disposal; and

c. where practicable, other disposal methods for which there are applicable regulations but in no event including shallow land burial.

Such regulations shall specify the minimum characteristics a disposal site and a disposal method must have under existing federal and state law to be acceptable for use for permanent disposal facilities.

2. The department shall hold hearings on the proposed siting criteria regulations.

3. In adopting the siting criteria regulations the department shall not be subject to the requirements of sections two hundred two-a, two hundred two-b and two hundred two-c of the state administrative procedure act.