

224.18-100 Interstate Environmental Compact -- Kentucky as party -- Substance.

The Kentucky General Assembly recognizes that the purity and life-giving qualities of our environment are of great concern to the people of the Commonwealth and to all Americans, that the ultimate responsibility for the quality of Kentucky's environment rests upon the government of the Commonwealth, and that ecological systems and environmental problems cross state boundaries. Therefore, the Kentucky General Assembly recognizes that the discharge of this responsibility can be enhanced by acting in concert and cooperation with our sister states and with the national government, insofar as such cooperative governmental efforts are consistent with the laws of the Commonwealth of Kentucky. The "Interstate Environmental Compact" is hereby ratified, enacted into law, and entered into by the Commonwealth of Kentucky as a party thereto with all other jurisdictions legally joining herein, as follows:

INTERSTATE ENVIRONMENTAL COMPACT

The Contracting Jurisdictions Solemnly Agree That:

ARTICLE I

(1) Signatory states hereby find and declare:

(a) The environment of every state is affected with local, state, regional and national interest and its protection under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatories.

(b) Certain environmental pollution problems transcend state boundaries and thereby become common to adjacent states requiring cooperative efforts.

(c) The environment of each state is subject to the effective control of the signatories, and coordinated, cooperative or joint exercise of control measures is in their common interests.

(2) The purposes of the signatories in enacting this Compact are:

(a) To assist and participate in the national environment protection programs as set forth in federal legislation; to promote intergovernmental cooperation for multistate action relating to environmental protection through interstate agreements and to encourage cooperative and coordinated environmental protection by the signatories and the Federal Government;

(b) To preserve and utilize the functions, powers and duties of existing state agencies of government to the maximum extent possible consistent with the purposes of the Compact.

(3) (a) Nothing contained in this Compact shall impair, affect or extend the constitutional authority of the United States.

(b) The signatories hereby recognize the power and right to the Congress of the United States at any time by any statute expressly enacted for the purpose to revise the terms and conditions of its consent.

(4) Nothing contained in this Compact shall impair or extend the constitutional authority of any signatory state, nor shall the police powers of any signatory state be affected except as expressly provided in a supplementary agreement under Article 4.

ARTICLE II

(1) This Compact shall be known and may be cited as the Interstate Environmental Compact.

(2) For the purpose of this Compact and of any supplemental or concurring legislation enacted pursuant or in relation hereto, except as may be otherwise required by the context:

(a) "State" shall mean any one of the fifty states of the United States of America, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands, but shall not include the District of Columbia.

(b) "Interstate environment pollution" shall mean any pollution of a stream or body of water crossing or marking a state boundary, interstate air quality control region designated by an appropriate federal agency or solid waste collection and disposal district or program involving the jurisdiction of territories of more than one state.

(c) "Government" shall mean the governments of the United States and the signatory states.

(d) "Federal Government" shall mean the government of the United States of America and any appropriate department, instrumentality, agency, commission, bureau, division, branch or other unit thereof, as the case may be, but shall not include the District of Columbia.

(e) "Signator" shall mean any state which enters into this Compact and is a party thereto.

ARTICLE III

Agreements with the Federal Government and other Agencies. Signatory states are hereby authorized jointly to participate in cooperative or joint undertakings for the protection of the interstate environment with the Federal Government or with any intergovernmental or interstate agencies.

ARTICLE IV

(1) Signatories may enter into agreements for the purpose of controlling interstate environmental problems in accordance with applicable federal legislation and under terms and conditions as deemed appropriate by the agreeing states under Paragraph (6) and Paragraph (8) of this Article.

(2) Recognition of Existing Nonenvironmental Intergovernmental Arrangements. The signatories agree that existing federal-state, interstate or intergovernmental arrangements which are not primarily directed to environmental protection purposes as defined herein are not affected by this Compact.

(3) Recognition of Existing Intergovernmental Agreements Directed to Environmental Objectives. All existing interstate Compacts directly relating to environmental protection are hereby expressly recognized and nothing in this Compact shall be construed to diminish or supersede the powers and functions of such existing intergovernmental agreements and the organizations created by them.

(4) Modification of Existing Commissions and Compacts. Recognition herein of multistate commissions and compacts shall not be construed to limit directly or indirectly the creation of additional multistate organizations or interstate compacts, nor to prevent termination, modification, extension, or supplementation of such multistate organizations

and interstate compacts recognized herein by the Federal Government or states party thereto.

(5) Recognition of Future Multistate Commissions and Interstate Compacts. Nothing in this Compact shall be construed to prevent signatories from entering into multistate organizations or other interstate compacts which do not conflict with their obligations under this Compact.

(6) Supplementary Agreements. Any two or more signatories may enter into supplementary agreements for joint, coordinated or mutual environmental management activities relating to interstate pollution problems common to the territories of such states and for the establishment of common or joint regulation, management, services, agencies or facilities for such purposes or may designate an appropriate agency to act as their joint agency in regard thereto. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this Compact and the creation of a joint agency by supplementary agreement shall not affect the privileges, powers, responsibilities or duties under this Compact of signatories participating therein as embodied in this Compact.

(7) Execution of Supplementary Agreements and Effective Date. The Governor is authorized to enter into supplementary agreements for the state and his official signature shall render the agreement immediately binding upon the state;

Provided that:

(a) The legislature of any signatory entering into such a supplementary agreement shall at its next legislative session by concurrent resolution bring the supplementary agreement before it and by appropriate legislative action approve, reverse, modify or condition the agreement of that state.

(b) Nothing in this agreement shall be construed to limit the right of Congress by act of law expressly enacted for that purpose to disapprove or condition such a supplementary agreement.

(8) Special Supplementary Agreements. Signatories may enter into special supplementary agreements with the District of Columbia or foreign nations for the same purposes and with the same powers as under Paragraph (6), Article 4, upon the condition that such nonsignatory party accept the general obligations of signatories under this Compact. Provided, that such special supplementary agreements shall become effective only after being consented to by the Congress.

(9) Jurisdiction of Signatories Reserved. Nothing in this Compact or in any supplementary agreement thereunder shall be construed to restrict, relinquish, or be in derogation of, any power or authority constitutionally possessed by any signatory within its jurisdiction, except as specifically limited by this Compact or by supplementary agreement.

(10) Complementary Legislation by Signatories. Signatories may enact such additional legislation as may be deemed appropriate to enable its officers and governmental agencies to accomplish effectively the purposes of this Compact and supplementary agreements recognized or entered into under the terms of this Article.

(11) Legal Rights of Signatories. Nothing in this Compact shall impair the exercise by any signatory of its legal rights or remedies established by the United States

Constitution or any other laws of this Nation.

ARTICLE V

Construction, Amendment and Effective Date. (1) It is the intent of the signatories that no provision of this Compact or supplementary agreement entered into hereunder shall be construed as invalidating any provision of law of any signatory and that nothing in this Compact shall be construed to modify or qualify the authority of any signatory to enact or enforce environmental protection legislation within its jurisdiction and not inconsistent with any provision of this Compact or a supplementary agreement entered into pursuant hereto.

(2) The provisions of this Compact or of agreements hereunder shall be severable and if any phrase, clause, sentence or provision of this Compact, or such an agreement is declared to be contrary to the Constitution of any signatory or of the United States or is held invalid, the constitutionality of the remainder of this Compact or of any agreement and the applicability thereof to any participating jurisdiction, agency, person or circumstance shall not be affected thereby and shall remain in full force and effect as to the remaining participating jurisdictions and in full force and effect as to the signatory affected as to all severable matters. It is the intent of the signatories that the provisions of this Compact shall be reasonably and liberally construed in the context of its purposes.

(3) Amendments to this Compact may be initiated by legislative action of any signatory and become effective when concurred in by all signatories and approved by Congress.

(4) This Compact shall become binding on a state when enacted by it into law and such state shall thereafter become a signatory and party hereto with any and all states legally joining herein.

(5) A state may withdraw from this Compact by authority of an act of its legislature one year after it notifies all signatories in writing of an intention to withdraw from the Compact. Provided, withdrawal from the Compact affects obligations of a signatory imposed on it by supplementary agreements to which it may be a party only to the extent and in accordance with the terms of such supplementary agreements.

History: Created 1972 Ky. Acts ch. 105, sec. 1, effective June 16, 1972.

Formerly codified as KRS 224.610.