

(A) IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES;

(B) IN EXCESS OF THE AUTHORITY GRANTED TO THE COMMISSION BY THIS COMPACT;

(C) MADE UPON UNLAWFUL PROCEDURE TO THE DETRIMENT OF ANY PERSON;

(D) ARBITRARY OR CAPRICIOUS OR CHARACTERIZED BY ABUSE OF DISCRETION OR CLEARLY UNWARRANTED EXERCISE OF DISCRETION.

4. THE COMMISSION SHALL BE DEEMED TO BE ACTING IN A LEGISLATIVE CAPACITY EXCEPT IN THOSE INSTANCES WHERE IT DECIDES, PURSUANT TO ITS RULES AND REGULATIONS, THAT ITS DETERMINATIONS ARE ADJUDICATORY IN NATURE.

7-305.

ARTICLE V.  
HOST STATE SELECTION AND DEVELOPMENT AND  
OPERATION OF REGIONAL FACILITIES

A. THE COMMISSION SHALL DEVELOP, ADOPT, MAINTAIN AND IMPLEMENT A REGIONAL MANAGEMENT PLAN TO ENSURE THE SAFE AND EFFICIENT MANAGEMENT OF WASTE WITHIN THE REGION. THE PLAN SHALL INCLUDE THE FOLLOWING:

1. A CURRENT INVENTORY OF ALL GENERATORS WITHIN THE REGION;

2. A CURRENT INVENTORY OF ALL FACILITIES WITHIN THE REGION, INCLUDING INFORMATION ON THE SIZE, CAPACITY, LOCATION, SPECIFIC WASTE BEING HANDLED, AND PROJECTED USEFUL LIFE OF EACH FACILITY;

3. CONSISTENT WITH CONSIDERATIONS FOR PUBLIC HEALTH AND SAFETY, AS DEFINED BY APPROPRIATE REGULATORY AUTHORITIES, A DETERMINATION OF THE TYPE AND NUMBER OF REGIONAL FACILITIES WHICH ARE PRESENTLY NECESSARY AND PROJECTED TO BE NECESSARY TO MANAGE WASTE GENERATED WITHIN THE REGION;

4. REFERENCE GUIDELINES, AS DEFINED BY APPROPRIATE REGULATORY AUTHORITIES, FOR THE PARTY STATES FOR ESTABLISHING THE CRITERIA AND PROCEDURES TO EVALUATE LOCATIONS FOR REGIONAL FACILITIES.

B. THE COMMISSION SHALL DEVELOP AND ADOPT CRITERIA AND PROCEDURES FOR REVIEWING A PARTY STATE WHICH VOLUNTEERS TO HOST A REGIONAL FACILITY WITHIN ITS BORDERS. THESE CRITERIA SHALL BE DEVELOPED WITH PUBLIC NOTICE AND SHALL INCLUDE THE FOLLOWING FACTORS: THE CAPABILITY OF THE VOLUNTEERING PARTY STATE TO HOST A REGIONAL FACILITY IN A TIMELY MANNER AND TO ENSURE ITS