

## CHAPTER 348

---

**HEALTH AND ENVIRONMENT**


---

**HOUSE BILL 03-1358**

BY REPRESENTATIVE(S) Spradley, King, Borodkin, Fairbank, McFadyen, Merrifield, Plant, Pommer, Williams S., Jahn, Romanoff, and Stengel;  
also SENATOR(S) Kester, Grossman, and Groff.

**AN ACT****CONCERNING ADDITIONAL REQUIREMENTS RELATING TO RADIOACTIVE CLASSIFIED WASTE DISPOSAL.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 25-11-201 (1) and (1.5), Colorado Revised Statutes, are amended, and the said 25-11-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**25-11-201. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) (a) "Classified ~~waste~~ MATERIAL" means radioactive ~~waste~~ MATERIALS that ~~is~~ ~~each~~ ARE ONE OR MORE of the following TYPES:

(I) "Type 2 byproduct material" as BYPRODUCT MATERIAL IS defined in 42 U.S.C. sec. 2014 (e) (2);

(II) Naturally occurring ~~uranium-bearing or thorium-bearing soils, solids, or liquids and their decay products;~~ and OR TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIAL;

(III) ~~Waste taken from either:~~ NON-11 e (2) MATERIAL; OR

(A) ~~A site listed as a federal formerly utilized sites remedial action program (FUSRAP) site;~~

(B) ~~A designated title I or title II millsite pursuant to the federal "Uranium Mill Tailings Radiation Control Act of 1978"; or~~

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~(C) A site listed on the federal national priorities list (NPL) pursuant to section 105 of the federal "Comprehensive Environmental Response, Compensation and Liability Act" (CERCLA).~~

(IV) ORE.

(b) Nothing in this subsection (1) shall be deemed to include ~~naturally occurring radioactive material as defined in section 25-11-101 (2.7)~~; THE FOLLOWING NATURALLY OCCURRING RADIOACTIVE MATERIALS OR TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS:

(I) RESIDUALS OR SLUDGES FROM THE TREATMENT OF DRINKING WATER BY ALUMINUM, FERRIC CHLORIDE, OR SIMILAR PROCESSES; EXCEPT THAT THE MATERIAL MAY NOT CONTAIN HAZARDOUS SUBSTANCES THAT OTHERWISE WOULD PRECLUDE RECEIPT;

(II) SLUDGES, SOILS, OR PIPE SCALE IN OR ON EQUIPMENT FROM OIL AND GAS EXPLORATION, PRODUCTION, OR DEVELOPMENT OPERATIONS OR DRINKING WATER OR WASTEWATER TREATMENT OPERATIONS; EXCEPT THAT THE MATERIAL MAY NOT CONTAIN HAZARDOUS SUBSTANCES THAT OTHERWISE WOULD PRECLUDE RECEIPT;

(III) MATERIALS FROM OR ACTIVITIES RELATED TO CONSTRUCTION MATERIAL MINING REGULATED UNDER ARTICLE 32.5 OF TITLE 34, C.R.S.

(c) Nothing in this part 2 shall be deemed to apply to the treatment, storage, management, processing, or disposal of solid waste, WHICH MAY INCLUDE NATURALLY OCCURRING RADIOACTIVE MATERIAL AS DEFINED IN SECTION 25-11-101 (2.7), AND TENORM AS DEFINED IN SUBSECTION (4) OF THIS SECTION, either pursuant to a certificate of designation issued under article 20 of title 30, C.R.S., or at a solid waste disposal site and facility considered approved or otherwise deemed to satisfy the requirement for a certificate of designation pursuant to article 20 of title 30, C.R.S., ~~Facilities that have both a radioactive materials license and a certificate of designation shall comply with the provision of this article.~~ OR SECTION 25-15-204 (6).

(1.5) "Disposal" means burial in soil, release through a sanitary sewerage system, incineration, or long-term storage with no intention of or provision for subsequent removal; EXCEPT THAT, WITH REGARD TO CLASSIFIED MATERIAL, "DISPOSAL", SHALL NOT INCLUDE RELEASE THROUGH A SANITARY SEWER OR INCINERATION AT A FACILITY.

(1.6) "FACILITY" MEANS A URANIUM MILL, PROCESSING, OR DISPOSAL FACILITY REQUIRED TO BE LICENSED PURSUANT TO THIS ARTICLE AND A SITE FOR SUCH FACILITY.

(1.7) "NON-11 e (2) MATERIAL" MEANS MATERIAL THAT IS NOT TYPE 2 BYPRODUCT MATERIAL OR ORE. "NON-11 e (2) BYPRODUCT MATERIAL" DOES NOT INCLUDE DEPLETED OR ENRICHED URANIUM AS DEFINED BY COLORADO OR FEDERAL STATUTE OR RULE.

(1.8) "ORE" MEANS NATURALLY OCCURRING URANIUM-BEARING, THORIUM-BEARING, OR RADIUM-BEARING MATERIAL IN ITS NATURAL FORM PRIOR TO CHEMICAL PROCESSING SUCH AS ROASTING, BENEFICIATING, OR REFINING, AND

SPECIFICALLY INCLUDES MATERIAL THAT HAS BEEN PHYSICALLY PROCESSED, SUCH AS BY CRUSHING, GRINDING, SCREENING, OR SORTING.

(4) "TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIAL" OR "TENORM" MEANS NATURALLY OCCURRING RADIOACTIVE MATERIAL WHOSE RADIONUCLIDE CONCENTRATIONS ARE INCREASED BY OR AS A RESULT OF PAST OR PRESENT HUMAN PRACTICES. "TENORM" DOES NOT INCLUDE:

(a) BACKGROUND RADIATION OR THE NATURAL RADIOACTIVITY OF ROCKS OR SOILS;

(b) "BYPRODUCT MATERIAL" OR "SOURCE MATERIAL", AS DEFINED BY COLORADO STATUTE OR RULE; OR

(c) ENRICHED OR DEPLETED URANIUM AS DEFINED BY COLORADO OR FEDERAL STATUTE OR RULE.

**SECTION 2.** 25-11-203 (1) (b), (2) (b), (2) (c), and (3) (c), Colorado Revised Statutes, are amended, and the said 25-11-203 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**25-11-203. Approval of facilities, sites, and shipments for disposal of radioactive waste.** (1) (b) (I) No ~~site within five miles of a city or town~~ FACILITY shall DISPOSE OF OR receive FOR STORAGE INCIDENT TO DISPOSAL OR PROCESSING AT THE FACILITY ~~classified waste for disposal~~ MATERIAL unless such ~~disposal has been approved as provided in subsection (3) of this section~~ FACILITY HAS RECEIVED A LICENSE, A FIVE-YEAR LICENSE RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL, IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S., FOR SUCH RECEIPT, STORAGE, PROCESSING, OR DISPOSAL OF CLASSIFIED MATERIAL AND SUCH LICENSE, LICENSE RENEWAL, OR LICENSE AMENDMENT APPROVES THAT TYPE OF CLASSIFIED MATERIAL.

(II) Nothing in this paragraph (b) shall apply to a contract for the ~~receipt of shipments~~ STORAGE, PROCESSING, OR DISPOSAL of less than THE SUM OF one hundred ten tons of classified ~~waste or to receipt of shipments of classified waste from drinking water treatment facilities~~ MATERIAL PER SOURCE OR TO A CONTRACT FOR A BENCH-SCALE OR A PILOT-SCALE TESTING PROJECT OR A CONTRACT FOR LESS THAN A DE MINIMIS AMOUNT OF CLASSIFIED MATERIAL AS DETERMINED BY THE DEPARTMENT FOR STORAGE, PROCESSING, OR DISPOSAL.

(III) Nothing in this paragraph (b) shall apply to ~~processing of materials for their mineral value and the subsequent disposal of the mill tailings from that processing~~ A LICENSED FACILITY AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III), AS AMENDED, AS IT UNDERGOES ITS CURRENT FIVE-YEAR LICENSE RENEWAL; EXCEPT THAT, DURING THE PERIOD FROM THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III), AS AMENDED, UNTIL SUCH LICENSE RENEWAL IS APPROVED, SUCH FACILITY SHALL:

(A) CONTINUE TO SUBSTANTIALLY COMPLY WITH ITS CURRENT LICENSE;

(B) FOR EACH TYPE OF CLASSIFIED MATERIAL FOR WHICH AN APPLICATION FOR STORAGE, PROCESSING, OR DISPOSAL HAS ALREADY BEEN SUBMITTED TO THE

DEPARTMENT, PROVIDE TO A LIBRARY IN THE COMMUNITY IN WHICH THE FACILITY IS LOCATED THE MATERIAL ACCEPTANCE REPORT PREPARED CONSISTENT WITH AND CONTAINING THE INFORMATION REQUIRED BY THE INTERIM GUIDANCE ON DISPOSAL OF NON-"ATOMIC ENERGY ACT OF 1954", SECTION 11 e (2) BYPRODUCT MATERIAL IN TAILINGS IMPOUNDMENTS, RIS 2000-23, AND INTERIM POSITION AND GUIDANCE ON THE USE OF URANIUM MILL FEED MATERIAL OTHER THAN NATURAL ORES, RIS 2000-23, AS SUCH GUIDANCE DOCUMENTS ARE AMENDED FROM TIME TO TIME, WHICH REPORT HAS ALSO BEEN PROVIDED TO THE DEPARTMENT;

(C) MEET THE STANDARDS SPECIFIED IN SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION FOR EACH TYPE OF CLASSIFIED MATERIAL; AND

(D) COMPLY WITH THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION FOR CLASSIFIED MATERIAL FOR WHICH A MATERIAL ACCEPTANCE REPORT HAS NOT ALREADY BEEN FILED WITH THE DEPARTMENT FOR RECEIPT BY THE FACILITY AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III), AS AMENDED.

(2) (b) In addition to the requirements of paragraph (a) of this subsection (2), ~~if a site subject to this section is proposing to dispose of classified waste, the site shall provide written notice~~ EACH PROPOSED LICENSE, FIVE-YEAR LICENSE RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL SHALL INCLUDE A WRITTEN APPLICATION ~~to the department that shall~~ AND INFORMATION RELEVANT TO THE PENDING APPLICATION, ~~include~~ INCLUDING:

(I) Transcripts of two public meetings hosted AND PRESIDED OVER by ~~and at the expense of the site~~ A PERSON SELECTED UPON AGREEMENT BY THE DEPARTMENT, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WHERE THE FACILITY IS LOCATED, AND THE APPLICANT. ONE OR BOTH OF THE MEETINGS SHALL BE A HEARING CONDUCTED TO COMPLY WITH SECTION 24-4-104 OR 24-4-105, C.R.S. THE REASONABLE, NECESSARY, AND DOCUMENTED EXPENSE OF THE MEETINGS OR HEARING SHALL BE PAID BY THE FACILITY. SUCH MEETINGS SHALL NOT BE HELD UNTIL THE DEPARTMENT DETERMINES THAT THE APPLICATION IS SUBSTANTIALLY COMPLETE. The ~~site~~ FACILITY shall provide the public with:

(A) Pursuant to part 1 of article 70 of title 24, C.R.S., at least two weeks' written notice before the first meeting and an additional two weeks' written notice before the second meeting;

(B) At both meetings, summaries of the ~~site's~~ FACILITY'S license to RECEIVE, STORE, PROCESS, OR dispose of classified ~~waste~~ MATERIAL and the nature of the classified ~~waste~~ MATERIAL, and an opportunity to be heard; and

(C) Access to make copies of a transcript of the meetings;

(II) An environmental assessment ~~regarding~~ AS DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (2);

~~(A) The environmental impacts on Colorado of accepting the waste;~~

~~(B) Any potential nonenvironmental adverse impacts on Colorado of accepting the waste;~~

~~(C) Any potential mitigation to identified adverse impacts; and~~

~~(D) Alternatives to accepting the waste; and~~

(III) A response, if any, to the environmental assessment written by the board of county commissioners of the county in which the classified ~~waste~~ MATERIAL is proposed to be ~~disposed~~ RECEIVED FOR STORAGE, PROCESSING, OR DISPOSAL AT A FACILITY and provided to the ~~site~~ FACILITY within ~~thirty~~ NINETY days after the first public meeting. Upon request of AND DOCUMENTATION OF THE EXPENDITURE BY such board, the applicant shall provide the board with up to ~~twenty~~ FIFTY thousand dollars, WHICH SHALL BE AVAILABLE TO THE BOARD FOR THE REASONABLE AND NECESSARY EXPENSES DURING THE PENDENCY OF THE APPLICATION TO ASSIST THE BOARD IN RESPONDING TO THE APPLICATION, INCLUDING TO PAY for an independent environmental analysis by a disinterested party WITH APPROPRIATE ENVIRONMENTAL EXPERTISE to assist the board in preparing its response. THE BOARD'S RESPONSE MAY CONSIDER WHETHER THE APPROVAL OF THE LICENSE, FIVE-YEAR LICENSE RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OR DISPOSAL OF THE CLASSIFIED MATERIAL WILL PRESENT ANY SUBSTANTIAL ADVERSE IMPACT UPON THE SAFETY OR MAINTENANCE OF TRANSPORTATION INFRASTRUCTURE OR TRANSPORTATION FACILITIES WITHIN THE COUNTY.

(c) As used in paragraph (b) of this subsection (2), "environmental assessment" means a report and assessment submitted to the department ~~of public health and environment~~ by a ~~site~~ FACILITY UPON AND IN CONNECTION WITH APPLICATION FOR A LICENSE, A FIVE-YEAR RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL, proposing to receive classified ~~waste~~ MATERIAL FOR STORAGE, PROCESSING, OR DISPOSAL AT A FACILITY that addresses the impacts of the receipt FOR STORAGE, PROCESSING, OR DISPOSAL of such ~~waste~~ MATERIAL. The environmental assessment shall contain all information deemed necessary by the department, and shall include, AT A MINIMUM:

(I) THE IDENTIFICATION OF THE TYPES OF CLASSIFIED MATERIAL TO BE RECEIVED, STORED, PROCESSED, OR DISPOSED OF;

(II) A REPRESENTATIVE PRESENTATION OF THE PHYSICAL, CHEMICAL, AND RADIOLOGICAL PROPERTIES OF THE TYPE OF CLASSIFIED MATERIAL TO BE RECEIVED, STORED, PROCESSED, OR DISPOSED OF;

(III) An ~~assessment~~ EVALUATION of the short-term and ~~long-term~~ LONG-RANGE ENVIRONMENTAL impacts of ~~the~~ SUCH RECEIPT, STORAGE, PROCESSING, OR disposal;

(IV) AN ASSESSMENT OF the radiological and nonradiological impacts to the public ~~including social and economic impacts~~ HEALTH FROM THE APPLICATION;

(V) Any FACILITY-RELATED impact on any waterway and ground water FROM THE APPLICATION; and

(VI) An analysis of ~~any~~ THE ENVIRONMENTAL, ECONOMIC, SOCIAL, TECHNICAL, AND OTHER benefits of the ~~proposal~~ PROPOSED APPLICATION against environmental costs AND SOCIAL EFFECTS while considering available alternatives.

(3) (c) (I) ~~No disposal referred to in paragraph (b) of subsection (1) of this section shall occur unless the department of public health and environment has approved such disposal.~~ IN DECIDING WHETHER TO APPROVE A LICENSE, FIVE-YEAR LICENSE RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL, the department shall consider the transcripts of the public meetings held ~~by the site~~ PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, the ~~site's~~ FACILITY'S license, ~~and~~ any environmental assessment or analysis performed pursuant to this section, THE FACILITY'S COMPLIANCE WITH FINANCIAL ASSURANCE REQUIREMENTS OF SECTION 25-11-110, AND THE BOARD OF COUNTY COMMISSIONERS' RESPONSE TO THE ENVIRONMENTAL ASSESSMENT PREPARED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL DENY OR APPROVE THE APPLICATION AS A WHOLE.

(II) THE DEPARTMENT MAY ORDER REASONABLE MITIGATION MEASURES TO ADDRESS ANY SUBSTANTIAL ADVERSE IMPACTS TO PUBLIC HEALTH OR THE ENVIRONMENT OR TRANSPORTATION INFRASTRUCTURE OR TRANSPORTATION FACILITIES WITHIN THE COUNTY ATTRIBUTABLE SOLELY TO APPROVAL OF THE LICENSE, FIVE-YEAR RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL.

(III) THE APPLICANT SHALL DEMONSTRATE THAT IF THE LICENSE, FIVE-YEAR RENEWAL, OR LICENSE AMENDMENT PERTAINING TO THE FACILITY'S RECEIPT OF CLASSIFIED MATERIAL IS APPROVED, THEN THE RECEIPT, STORAGE, PROCESSING, AND DISPOSAL OF CLASSIFIED MATERIAL SHALL:

(A) BE CONDUCTED SUCH THAT THE EXPOSURES TO WORKERS AND THE PUBLIC ARE WITHIN THE DOSE LIMITS OF PART 4 OF THE DEPARTMENT'S RULES PERTAINING TO RADIATION CONTROL FOR WORKERS AND THE PUBLIC;

(B) NOT CAUSE RELEASES TO THE AIR, GROUND, OR SURFACE OR GROUND WATER THAT EXCEED PERMITTED LIMITS; AND

(C) NOT PREVENT TRANSFER OF THE FACILITY TO THE UNITED STATES IN ACCORDANCE WITH 42 U.S.C. SEC. 2113 UPON COMPLETION OF DECONTAMINATION, DECOMMISSIONING, AND RECLAMATION OF THE FACILITY.

(IV) NO FACILITY MAY BE PERMITTED AS A HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITY UNDER PART 3 OF ARTICLE 15 OF THIS TITLE.

(V) (A) THE DEPARTMENT SHALL MAKE A DETERMINATION AS TO WHETHER AN APPLICATION SUBMITTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION IS SUBSTANTIALLY COMPLETE WITHIN THIRTY DAYS AFTER RECEIPT OF SUCH APPLICATION.

(B) THE FIRST PUBLIC MEETING OR HEARING REQUIRED BY SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION SHALL BE CONVENED WITHIN FORTY-FIVE DAYS AFTER ITS DETERMINATION THAT THE APPLICATION IS SUBSTANTIALLY COMPLETE AND THE SECOND SUCH PUBLIC MEETING OR HEARING SHALL BE CONVENED WITHIN THIRTY DAYS AFTER THE FIRST PUBLIC MEETING.

(C) THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY THE APPLICATION SUBMITTED UNDER PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION WITHIN TWO HUNDRED SEVENTY DAYS AFTER THE DEPARTMENT'S RECEIPT OF ANY RESPONSE OF THE BOARD OF COUNTY COMMISSIONERS TO THE APPLICATION PREPARED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND WITHIN THREE HUNDRED SIXTY DAYS AFTER THE SECOND PUBLIC MEETING OR HEARING IF NO TIMELY RESPONSE IS RECEIVED BY THE DEPARTMENT FROM THE BOARD OF COUNTY COMMISSIONERS.

(4) (a) (I) AT LEAST SIXTY DAYS BEFORE A FACILITY PROPOSES TO RECEIVE, STORE, PROCESS, OR DISPOSE OF CLASSIFIED MATERIAL FOR WHICH A MATERIAL ACCEPTANCE REPORT HAS NOT ALREADY BEEN FILED WITH THE DEPARTMENT, THE FACILITY SHALL PROVIDE NOTICE TO THE DEPARTMENT, AND THE DEPARTMENT SHALL PROVIDE NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, OF IDENTIFICATION OF THE SPECIFIC CLASSIFIED MATERIAL TO BE RECEIVED, STORED, PROCESSED, OR DISPOSED OF. SUCH NOTICE SHALL INCLUDE:

(A) A REPRESENTATIVE ANALYSIS, SUITABLE TO THE DEPARTMENT, OF THE PHYSICAL, CHEMICAL, AND RADIOLOGICAL PROPERTIES OF THE CLASSIFIED MATERIAL;

(B) THE MATERIAL ACCEPTANCE REPORT PREPARED CONSISTENT WITH, AND CONTAINING THE INFORMATION REQUIRED BY, THE INTERIM GUIDANCE ON DISPOSAL OF NON-"ATOMIC ENERGY ACT OF 1954", SECTION 11 e (2) BYPRODUCT MATERIAL IN TAILINGS IMPOUNDMENTS, RIS 2000-23, AND INTERIM POSITION AND GUIDANCE ON THE USE OF URANIUM MILL FEED MATERIAL OTHER THAN NATURAL ORES, RIS 2000-23, AS SUCH GUIDANCE DOCUMENTS ARE AMENDED OR SUPERCEDED FROM TIME TO TIME;

(C) THE EXISTING LOCATION OF THE CLASSIFIED MATERIAL;

(D) THE HISTORY OF THE CLASSIFIED MATERIAL;

(E) IF AVAILABLE, ANY PRE-EXISTING REGULATORY CLASSIFICATION OF THE CLASSIFIED WASTE IN THE STATE OF ORIGIN;

(F) A WRITTEN STATEMENT FROM THE UNITED STATES DEPARTMENT OF ENERGY OR SUCCESSOR AGENCY THAT THE RECEIPT, STORAGE, PROCESSING, OR DISPOSAL OF THE CLASSIFIED MATERIAL AT THE FACILITY WILL NOT ADVERSELY AFFECT THE DEPARTMENT OF ENERGY'S RECEIPT OF TITLE TO THE FACILITY PURSUANT TO THE FEDERAL "ATOMIC ENERGY ACT OF 1954 ", 42 U.S.C. SEC. 2113; AND

(G) DOCUMENTATION SHOWING ANY NECESSARY APPROVALS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(II) FOR CLASSIFIED MATERIAL THAT WOULD OTHERWISE BE SUBJECT TO THE "LOW-LEVEL RADIOACTIVE WASTE ACT", PART 22 OF ARTICLE 60 OF TITLE 24, C.R.S., THE FACILITY'S NOTICE SHALL ALSO INCLUDE WRITTEN DOCUMENTATION THAT THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD HAS BEEN NOTIFIED THAT THE CLASSIFIED MATERIAL IS BEING CONSIDERED FOR DISPOSAL IN THE SUBJECT FACILITY.

(b) WITHIN FIVE DAYS AFTER THE DEPARTMENT'S RECEIPT OF NOTICE PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE DEPARTMENT SHALL PUBLISH A NOTICE OF A THIRTY-DAY PUBLIC COMMENT PERIOD, FOR THE RECEIPT OF WRITTEN COMMENTS ONLY, CONCERNING THE NOTICE.

(c) WITHIN THIRTY DAYS AFTER THE CLOSE OF THE WRITTEN PUBLIC COMMENT PERIOD PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (4), THE DEPARTMENT SHALL CONFIRM WHETHER THE MATERIAL PROPOSED FOR RECEIPT, STORAGE, PROCESSING, OR DISPOSAL AT THE FACILITY COMPLIES WITH THE FACILITY'S LICENSE AND MEETS THE STANDARDS ESTABLISHED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION, AND NO FURTHER APPROVAL SHALL BE REQUIRED FOR THE FACILITY TO RECEIVE, STORE, PROCESS, OR DISPOSE OF THE CLASSIFIED MATERIAL DESCRIBED IN THE NOTICE.

**SECTION 3. Effective date - applicability.** This act shall take effect upon passage and shall apply to approvals of applications to dispose of, or to receive for storage incident to disposal or processing at a facility, classified waste occurring or required on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 2003