

HB1215_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.

HB18-1215 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 25-11-104, amend
4 (1) as follows:

5 **25-11-104. Rules to be adopted - fees - fund created -**
6 **definitions - repeal.** (1) (a) The state board shall formulate, adopt, and
7 promulgate rules as provided in subsection (2) of this section that cover
8 subject matter relative to radiation machines and radioactive materials,
9 including naturally occurring radioactive materials, TENORM, and other
10 sources of radiation. The subject matter of the rules must include:
11 Licenses and registration; records; permissible levels of exposure;
12 notification and reports of accidents; technical qualifications of
13 personnel; technical qualifications of mammographers; handling,
14 transportation, and storage; waste disposal; posting and labeling of
15 hazardous sources and areas; surveys; monitoring; security of materials;
16 and financial assurance warranties.

17 (b) The state board, ~~may~~ IN CONSULTATION WITH THE WATER
18 QUALITY CONTROL COMMISSION, THE SOLID AND HAZARDOUS WASTE
19 COMMISSION, AND THE COLORADO OIL AND GAS CONSERVATION
20 COMMISSION, SHALL adopt rules concerning the disposal of naturally
21 occurring radioactive materials, ~~at any time after the promulgation by the~~
22 ~~federal environmental protection agency or its successor of rules for the~~
23 ~~disposal of naturally occurring radioactive materials~~ INCLUDING
24 TENORM. THE RULES MUST INCLUDE REQUIREMENTS FOR GROUNDWATER
25 AND LEACHATE MONITORING FOR RADIONUCLIDES AT EACH DISPOSAL
26 FACILITY THAT ACCEPTS TENORM WASTE.

27 (c) BEFORE ADOPTING THE RULES SPECIFIED IN SUBSECTION (1)(b)
28 OF THIS SECTION, THE DEPARTMENT SHALL:

29 (I) CONVENE A STAKEHOLDER GROUP TO FACILITATE DECISIONS
30 AND APPROACHES TO THE HANDLING, TRANSPORTATION, BENEFICIAL USE,
31 AND DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS AND
32 TENORM THAT ARE BASED ON A REASONABLE RELATIONSHIP TO THE
33 ECONOMIC, ENVIRONMENTAL, ENERGY, AND PUBLIC HEALTH COSTS AND
34 BENEFITS OF THE DECISIONS AND APPROACHES AND TO DISCUSS THE
35 DEVELOPMENT OF PROPOSED RULES AND THE IMPACTS THE RULES MIGHT
36 HAVE ON THE REGULATED COMMUNITY AND THE PUBLIC;

37 (II) INVITE REPRESENTATIVES OF AT LEAST THE FOLLOWING
38 INTEREST GROUPS TO PARTICIPATE IN THE STAKEHOLDER GROUP: THE OIL
39 AND GAS INDUSTRY, MINING INDUSTRY, POWER GENERATORS AND
40 SUPPLIERS, PUBLIC WATER PROVIDERS, PUBLIC WASTEWATER TREATMENT

1 PROVIDERS, SOLID WASTE LANDFILL OPERATORS, AND OTHER INTERESTED
2 OR AFFECTED PARTIES;

3 (III) REQUIRE ALL GENERATORS OF TENORM WASTE TO:

4 (A) REPORT TO THE DEPARTMENT THE VOLUMES AND TYPES OF
5 TENORM WASTE THEY GENERATE AND THE LOCATIONS AT WHICH THEY
6 DISPOSE OF THE WASTE; AND

7 (B) MAKE ALL TENORM WASTE STREAMS AVAILABLE FOR
8 REPRESENTATIVE SAMPLING AND DATA COLLECTION BY AN INDEPENDENT
9 THIRD PARTY CONTRACTED WITH BY THE STATE;

10 (IV) CONTRACT WITH AN INDEPENDENT THIRD PARTY TO PREPARE
11 A COMPREHENSIVE REPORT, WITH INPUT PROVIDED BY THE STAKEHOLDER
12 GROUP SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION, THAT
13 ASSESSES THE MEASURABLE PUBLIC HEALTH IMPACTS FROM NATURALLY
14 OCCURRING RADIOACTIVE MATERIALS AND TENORM. THE REPORT MUST:

15 (A) ESTABLISH BACKGROUND RADIATION LEVELS IN VARIOUS
16 REGIONS OF THE STATE, IDENTIFY AND QUANTIFY WASTE STREAMS,
17 ANALYZE HISTORICAL BENEFICIAL USE AND DISPOSAL PRACTICES, AND
18 EVALUATE CURRENT ENGINEERING PRACTICES AND APPROPRIATE TEST
19 METHODS;

20 (B) IDENTIFY DATA GAPS AND ESTIMATED ECONOMIC IMPACTS
21 FROM REGULATING NATURALLY OCCURRING RADIOACTIVE MATERIALS
22 AND TENORM GENERATED BY THE INTEREST GROUPS SPECIFIED IN
23 SUBSECTION (1)(c)(II) OF THIS SECTION; AND

24 (C) INCLUDE A DETAILED REGULATORY REVIEW OF HOW OTHER
25 STATES REGULATE THE HANDLING, TRANSPORTATION, BENEFICIAL USE,
26 AND DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS AND
27 TENORM.

28 (V) SUBMIT A DETAILED SUMMARY OF THE REPORT REQUIRED BY
29 SUBSECTION (1)(c)(IV) OF THIS SECTION TO THE GENERAL ASSEMBLY'S
30 COMMITTEES OF REFERENCE WITH JURISDICTION OVER PUBLIC HEALTH AND
31 NATURAL RESOURCES NO LATER THAN DECEMBER 31, 2020, WHICH
32 SUMMARY INCLUDES A DESCRIPTION OF THE STAKEHOLDER PROCESS,
33 INCLUDING THE DEPARTMENT'S OUTREACH EFFORTS, THE NUMBER OF
34 MEETINGS HELD, AND ANY DISSENTING COMMENTS SUBMITTED BY
35 PARTICIPANTS IN THE STAKEHOLDER PROCESS. THE COMMITTEES OF
36 REFERENCE SHALL HOLD A HEARING ON THE ISSUES ADDRESSED IN THE
37 SUMMARY BY MARCH 1, 2021.

38 (VI) BASED ON THE FEEDBACK OF THE STAKEHOLDER GROUP, THE
39 REPORT PREPARED PURSUANT TO SUBSECTION (1)(c)(IV) OF THIS SECTION,
40 AND THE HEARING HELD PURSUANT TO SUBSECTION (1)(c)(V) OF THIS
41 SECTION, PROPOSE DRAFT RULES CONCERNING:

42 (A) THE CONCENTRATION OF RADIONUCLIDES IN SOLID WASTE
43 BELOW WHICH TENORM-CONTAINING WASTE MAY BE DISPOSED OF AT A

1 SOLID WASTES DISPOSAL SITE AND FACILITY, AT AN EP WASTE DISPOSAL
2 FACILITY, BY ANY OTHER MEANS OF LAND DISPOSAL THAT IS NOT
3 SPECIFICALLY APPROVED AND DESIGNATED TO RECEIVE THE WASTE, OR BY
4 DISCHARGE INTO STATE WATERS;

5 (B) THE CONCENTRATION OF RADIONUCLIDES IN SOLID WASTE
6 ABOVE WHICH TENORM-CONTAINING WASTE MUST BE DISPOSED OF AT
7 A FACILITY SPECIFICALLY APPROVED AND DESIGNATED TO RECEIVE THE
8 WASTE; AND

9 (C) THE MINIMUM TECHNICAL SPECIFICATIONS NECESSARY FOR
10 THE SAFE DISPOSAL OF TENORM-CONTAINING WASTE AND OTHER
11 SUBJECTS RELATED TO THE CHARACTERIZATION AND SAFE DISPOSAL OF
12 TENORM-CONTAINING WASTES.

13 (d) UNTIL THE STATE BOARD ADOPTS THE RULES SPECIFIED IN
14 SUBSECTION (1)(b) OF THIS SECTION:

15 (I) A PERSON SHALL COMPLY WITH THE "INTERIM POLICY AND
16 GUIDANCE PENDING RULEMAKING FOR THE CONTROL AND DISPOSITION
17 OF TECHNOLOGICALLY-ENHANCED NATURALLY OCCURRING
18 RADIOACTIVE MATERIALS IN COLORADO", ISSUED BY THE DEPARTMENT,
19 DATED FEBRUARY 2007; AND

20 (II) IF THE SOLID WASTE WAS GENERATED FROM OIL AND GAS
21 EXPLORATION AND PRODUCTION, THE PERSON SHALL ALSO COMPLY WITH
22 THE LETTERS DATED NOVEMBER 7, 2017, AND NOVEMBER 14, 2017, FROM
23 THE MANAGER OF THE DEPARTMENT'S SOLID WASTE AND MATERIALS
24 MANAGEMENT PROGRAM REGARDING MANAGEMENT AND DISPOSAL OF
25 TENORM WASTES GENERATED BY OIL AND GAS EXPLORATION AND
26 PRODUCTION.

27 (e) SUBSECTIONS (1)(c) AND (1)(d) OF THIS SECTION AND THIS
28 SUBSECTION (1)(e) WILL BE REPEALED IF THE STATE BOARD ADOPTS THE
29 RULES SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION. THE STATE
30 BOARD SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE
31 ON WHICH THE RULES SPECIFIED IN THIS SUBSECTION (1)(e) BECOME
32 EFFECTIVE BY E-MAILING THE NOTICE TO
33 REVISOROFSTATUTES.GA@STATE.CO.US. SUBSECTIONS (1)(c) AND (1)(d)
34 OF THIS SECTION AND THIS SUBSECTION (1)(e) ARE REPEALED, EFFECTIVE
35 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE RULES BECAME
36 EFFECTIVE OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE
37 DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

38 (f) THIS SUBSECTION (1) IS ENFORCEABLE PURSUANT TO SECTIONS
39 30-20-113 AND 30-20-114.

40 (g) FOR PURPOSES OF THIS SUBSECTION (1):

41 (I) "EP WASTE DISPOSAL FACILITY" HAS THE MEANING
42 ESTABLISHED IN SECTION 30-20-109 (1.5)(a)(II).

43 (II) "RADIONUCLIDES" INCLUDES RADIUM 226 AND RADIUM 228,

1 COMBINED; NATURAL THORIUM; AND NATURAL URANIUM.
2 (III) "SOLID WASTE" HAS THE MEANING ESTABLISHED IN SECTION
3 30-20-101 (6).

4 (IV) "SOLID WASTES DISPOSAL SITE AND FACILITY" HAS THE
5 MEANING ESTABLISHED IN SECTION 30-20-101 (8).

6 (V) "STATE WATERS" HAS THE MEANING ESTABLISHED IN SECTION
7 25-8-103 (19).

8 (VI) "TENORM" MEANS NATURALLY OCCURRING RADIOACTIVE
9 MATERIALS THAT HAVE BEEN CONCENTRATED OR EXPOSED TO THE
10 ACCESSIBLE ENVIRONMENT AS A RESULT OF HUMAN ACTIVITIES SUCH AS
11 MANUFACTURING, MINERAL EXTRACTION, OR WATER PROCESSING.
12 "TENORM" DOES NOT INCLUDE BACKGROUND RADIATION OF THE
13 ACCESSIBLE ENVIRONMENT; "BYPRODUCT MATERIAL" OR "SOURCE
14 MATERIAL", AS DEFINED BY COLORADO STATUTE OR RULE; OR ENRICHED
15 OR DEPLETED URANIUM AS DEFINED BY COLORADO OR FEDERAL STATUTE
16 OR RULE.

17 (c)(h) Notwithstanding any provision of section 25-11-103 (7)(h),
18 it is not necessary that a governmental entity own any site that is used for
19 the concentration, storage, or disposal of radioactive material if the owner
20 of the site complies with rules promulgated by the STATE board in
21 accordance with this section. The rules must ensure the long-term
22 protection of the public health and safety and may include financial
23 assurance warranties pursuant to this part 1, deed annotations and
24 restrictions, easement provisions, restrictive covenants, and adequate
25 markers to warn of the presence of radioactive materials.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
28 the expiration of the ninety-day period after final adjournment of the
29 general assembly (August 8, 2018, if adjournment sine die is on May 9,
30 2018); except that, if a referendum petition is filed pursuant to section 1
31 (3) of article V of the state constitution against this act or an item, section,
32 or part of this act within such period, then the act, item, section, or part
33 will not take effect unless approved by the people at the general election
34 to be held in November 2018 and, in such case, will take effect on the
35 date of the official declaration of the vote thereon by the governor.

36 (2) This act applies to conduct occurring on or after the applicable
37 effective date of this act."

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