Waste Classification Utah Perspective

## Rusty Lundberg, Director Utah Division of Radiation Control



March 5, 2014 Phoenix, AZ

Panel Session # 72

- State Prohibition Class B & Class C
- Risk Informing Waste Classification
- Waste Acceptance Criteria
- Guidance
- Related Items



## Class B & Class C prohibition

Legislative history

### HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE

FINAL REPORT TO THE UTAH STATE LEGISLATURE:

- EXECUTIVE APPROPRIATIONS COMMITTEE
- NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE
- REVENUE AND TAXATION INTERIM COMMITTEE

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### WASTE AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

### Sponsor: Curtis S. Bramble

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### LONG TITLE

### **General Description:**

This bill modifies the Environmental Quality Code and the Radioactive Waste Tax Act to amend provisions relating to waste.

### **Highlighted Provisions:**

This bill:

 prohibits any entity in the state from accepting class B or C low-level radioactive waste or radioactive waste having a higher radionuclide concentration than allowed under existing licenses;

 directs the Utah member of the Northwest low-level waste compact committee not to bring to the compact committee for approval and to vote against any arrangement with persons outside the compact area to access a Utah facility for storage, treatment, incineration, or disposal of certain low-level radioactive wastes;

 requires the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years:

 the adequacy of the amount of financial assurance required for closure and postclosure care of a commercial hazardous waste treatment, storage, or disposal facility;

· whether funds or financial assurance are necessary for perpetual care and

NOVEMBER 9<sup>TH</sup> AND 10<sup>TH</sup> 2004

# Utah's Prohibition for Class B & C Current Law

19-3-103.7. Prohibition of certain radioactive wastes.

No entity may accept in the state or apply for a license to accept in the state for commercial storage, decay in storage, treatment, incineration, or disposal:

(1) class B or class C low-level radioactive waste; ...

Amended by Chapter 10, 2005 General Session (Utah Code Ann., §19-3-307.5)

- Risk Informing Waste Classification
  - > State policy decision making
  - > Unique waste form considerations
    - Large-scale blending
  - > Traditional vs. Non-traditional decay
  - > Acceptable disposal approaches
  - > Other unique considerations
    - Depleted Uranium
      - Long-lived with significant ingrowth



- Waste Acceptance Criteria
  - Move toward WACs -- the New Waste Classification?
  - Preserve Waste Classification construct?
  - Host state resources impact
  - Coordination with disposal facility and waste generators



- BTP Concentration Averaging and Encapsulation
  - Implementing
     Alternative
     Approach Option

Draft Branch Technical Position on Concentration Averaging and Encapsulation, Revision 1

U.S. Nuclear Regulatory Commission

Office of Federal and State Materials and Environmental Management Programs

May 2012



## Related Items

- > Waste Attribution
  - Letter March 22, 2012



GREG BELL

Department of Environmental Quality Amanda Smith Executive Director DIVISION OF RADIATION CONTROL

IVISION OF RADIATION CONTROL Rusty Lundberg Director

#### March 22, 2012

RE: Manifest Requirements for Low-Level Radioactive Waste (LLRW) Processors

To Whom It May Concern:

It has come to the attention of the Utah Department of Environmental Quality, Division of Radiation Control (DRC) that some Generator Site Access Permittees (GSAPs) have been describing LLRW, which has been processed in an incinerator or other thermally treated processes, as residual waste. The DRC has researched the rationale for this practice and has determined that this practice and description is not appropriate.

Some GSAPs reference Volume 60 of the Federal Register (FR) 3<sup>rd</sup> column of page 15,652, where the Nuclear Regulatory Commission (NRC) states: "contaminated ash should be considered residual waste assigned to the processor." However, the next sentence further clarifies this statement: "If this interpretation is agreed to by the appropriate State or Compact authorities." The State of Utah does not agree with the interpretation offered by the NRC. Moreover, the practice is explicitly prohibited in our Generator Site Access rules Utah Admin. Code R313-264-(44), which state:

A Waste Collector, Waste Processor, or Waste Generator shall ensure all radioactive waste contained within a shipment for disposal at a land disposal facility in the state is traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility.

In addition, 10 CFR 20 Appendix G Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests, Section E Multi-Generator Disposal Containers, Subsection 1 states:

"For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of waste attributed to each generator." (Vol. 60 FR, page 15,665)

Therefore, GSA Permittees that are processors shall manifest and describe LLRW shipments to be disposed in the State of Utah, that has been processed in an incinerator or other thermally treated processes according to the rules stated above.

Furthermore, the DRC acknowledges that incidental waste from decontamination and maintenance activities between distinct batches that cannot be attributed to a single generator shall be attributed to the Processor. De minimis waste from previous shipments does not have to be described or attributed. This is consistent with the Northwest Compact's interpretation of this issue. GSAPs may still dispose of incinerated and thermally treated waste at the EnergySolutions' Clive, Uah facility; however, GSAPs will need to describe LLRW accordingly and attribute the waste as described in 10 CFR 20 Appendix G -Section E, Subsection 1 from this point forward. If you have any questions or comments regarding this

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## Related Items – Utah

- > Independent verification
- > DU Rule
- > PA Rule



**Contact Information** 

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