

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

1675 Broadway, Suite 1400
Denver, Colorado 80202-4606
www.rmlwb.us

Telephone (303) 825-1912
Facsimile (303) 892-3882
Email board@rmlwb.us

BEFORE THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

AMENDED DESIGNATION OF CLEAN HARBORS DEER TRAIL FACILITY AS A REGIONAL FACILITY FOR THE DISPOSAL OF NORM/TENORM

REGIONAL FACILITY DESIGNATION - CHDTF-06-01

WHEREAS, the Rocky Mountain Low-Level Radioactive Waste Compact, 99 Stat. 1902-1090, 42 USC § 2121d, ("Compact") has jurisdiction over low-level radioactive waste as defined in the Compact; and

WHEREAS, the Rocky Mountain Low-Level Radioactive Waste Board ("Board") designated the Clean Harbors Deer Trail Facility ("CHDTF") as a Regional Facility for disposal of waste from mining, milling, smelting, or similar processing of ores and mineral-bearing materials primarily for radium ("Radium Processing Wastes") on June 8, 2005, pursuant to the Compact and the Rules of the Board; and

WHEREAS, the June 8, 2005 Regional Facility Designation for CHDTF included the condition that CHDTF shall not accept any low-level radioactive waste, as defined in the Compact, except for Radium Processing Wastes; and

WHEREAS, the Board has received an application dated April 13, 2006 ("the Application") from the State of Colorado, without waiving any arguments, to amend the Regional Facility Designation of CHDTF to include disposal of naturally-occurring radioactive material (NORM) and technologically-enhanced naturally-occurring radioactive material (TENORM) within specified limits; and

WHEREAS, the State of Colorado's application asked for the amended designation to be non-exclusive, and this request is addressed by the accompanying Emergency Rule and Enforcement Moratorium; and



MEMBER STATES: COLORADO, NEVADA, NEW MEXICO
EXECUTIVE DIRECTOR: LEONARD C. SLOSKY

Regional Facility Designation - CHDTF-06-01

Page 2 of 4

WHEREAS, the State of Colorado requests that the Executive Director of the Compact convene the relevant stakeholders to address the issues of NORM and TENORM disposal and craft a permanent rule to replace the emergency rule within 90-days. The permanent rule should consider the approach taken by the Central Midwest Interstate Low-Level Radioactive Waste Commission; and

WHEREAS, public meetings were held on May 9, May 30, and August 9, 2006 in Denver, Colorado and September 13, 2006 in Santa Fe, New Mexico on the application for Amended Designation of Regional Facility; and

WHEREAS, public notice of the May 9, May 30, August 9, and September 13, 2006 meetings was made in accordance with the Board's requirements for notice of public meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD:

Section 1. Findings.

- (1) Under the 510,000 cubic yards of licensed capacity, there is sufficient availability for the NORM/TENORM expected to be disposed by generators within the region at the CHDTF over the next five years.
- (2) The Board finds that there will be, for the foreseeable future, sufficient demand to render the operation of the proposed facility economically feasible without endangering the economic feasibility of the operation of any other regional facility.
- (3) The Board finds that with the very large licensed and physical capacity of the proposed facility, CHDTF will have sufficient capacity to serve the needs of the region for a reasonable period of years.
- (4) All applicable notice and public hearing requirements have been satisfied.

Section 2. Approval of Amended Designation and Conditions. The designation of CHDTF as a Regional Facility is hereby amended to allow the disposal of NORM/TENORM, including Radium Processing Wastes, subject to the following conditions.

- (1) The CHDTF shall only accept the following low-level radioactive waste, as defined by the Board's Rules:

Regional Facility Designation - CHDTF-06-01

Page 3 of 4

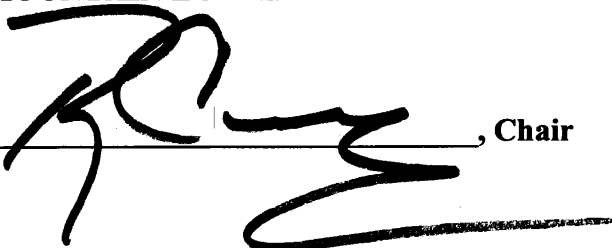
NORM and TENORM, including Radium Processing Wastes. The specific radionuclides are limited to K-40 and all of the radionuclides in the decay series for Uranium (U)-238, U-235, and Thorium (Th)-232. The summed activity of all radionuclides per gram shall not exceed 2,000 picocuries (pCi). The Radium-226 activity per gram shall not exceed 400 pCi. The total U and Th content shall be less than 0.05 percent by weight.

- (2) The CHDTF shall not accept any low-level radioactive waste, as defined by the Board's Rules, other than NORM/TENORM, including Radium Processing Wastes, within the limits specified in (1).
- (3) The CHDTF shall not accept any low-level radioactive waste, as defined by the Board's Rules, including NORM/TENORM and Radium Processing Wastes, from outside the Compact Region unless the Board has granted import authorization in writing for such waste.
- (4) Clean Harbors Deer Trail, LLC shall provide the Board a monthly report specifying the number of tons of NORM/TENORM, including Radium Processing Wastes, received from each source (generator). The monthly reports shall be provided to the Board within 10 business days of the end of each month.
- (5) Upon request by the Board, Clean Harbors Deer Trail, LLC shall provide the Board access to and copies of any shipping documents and/or manifests for radioactive and non-radioactive wastes received at the CHDTF.
- (6) Clean Harbors Deer Trail, LLC shall collect the Compact Surcharge, as defined by the Board's Rules, imposed by the Board on each unit of NORM/TENORM, including Radium Processing Wastes, which are received at the CHDTF. Clean Harbors Deer Trail, LLC shall pay the Compact Surcharge to the Board within 30 days of the end of each month.

Section 3. Effective Date. This Amended Designation shall supersede the June 8, 2005 Designation and become effective upon approval.

Upon a motion duly made and seconded, the foregoing designation was adopted by the following vote on the 13th day of September, 2006.

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

 , Chair

ATTEST: Vicki Green
Board Administrator

BY: *Vicki Green*