

**MINUTES OF THE REGULAR MEETING OF THE
ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD**

Denver Airport Marriot at Gateway Park
16455 E. 40th Circle
Aurora, Colorado 80011

June 8, 2005

ATTENDANTS

Board Members:

Larry Boschult, Chair, Nevada
Ron Curry, New Mexico
Howard Roitman, Colorado

Barbara Green, Legal Counsel
Leonard Slosky, Executive Director
Vicki Green, Recording Secretary

Others:

Phillip Retallick, Clean Harbors Environmental Services, Inc.
David Nelsen, Clean Harbors Environmental Services, Inc.
Bill Kennedy, Dade Moeller & Associates, Inc.
Jim Spaanstra, Faegre & Benson LLP
Ed Andrieski, Associated Press
Melissa Trujillo, Associated Press
Carrie Ciliberto, Ciliberto & Associates, LLC
Craig Tessmer, Adams County
Pam Wheldon, Concerned Citizens of Eastern Colorado
Ali Sogue, City & County of Denver
Jerry Goad, State of Colorado, Attorney General's Office
Gary W. Boughman, Colorado Department of Health & Environment
Howard Kenison, Lindquist & Vennum, PLLP
Jay Skarda, National Jewish
John Dactor, U.S. Environmental Protection Agency
Jen Leslie, Adams County
Steve Tarlton, Colorado Department of Health & Environment
Bruce Bevirt
Joe Schieffelin, Colorado Department of Health & Environment
Mary Fealey, Clean Harbors Environmental Services, Inc.

REGULAR MEETING

Mr. Boschult, Chair, called the meeting to order at 9:36 a.m.

The first item on the agenda was the approval of the minutes of the May 27, 2005, Regular Meeting. Mr. Boschult asked if there were comments or corrections to the minutes. Mr. Slosky noted several corrections. He noted that the next maturity from a federal note of \$301,309 will be on June 17, 2005. The memorandum contained in the May 27, 2005 Briefing Book regarding the fiscal status stated that the next maturity of \$100,000 would be on July 6, 2005. This was incorrect. The memorandum had been corrected in the June 8, 2005 Regular Meeting Briefing Book. In addition, two attendees needed to be added to the minutes, Phillip Retallick of Clean Harbors Environmental Services, Inc. and Kim McGuire from the Denver Post.

Mr. Roitman moved to approve the minutes of the Regular Meeting dated March 25, 2005 with the noted changes. Mr. Boschult seconded; the motion carried unanimously.

Mr. Slosky then asked for some time to discuss housekeeping items. He reminded the Board that they would be hosting the next LLW Forum Meeting in Las Vegas in September. He encouraged the Board members to attend. There will be a tour of Yucca Mountain on September 21, the Forum Meeting September 22 and half a day on September 23. The Board was scheduled to meet the afternoon of September 23.

CONSIDERATION OF APPLICATION FOR DESIGNATION OF THE CLEAN HARBORS FACILITY IN COLORADO AS A LIMITED REGIONAL DISPOSAL FACILITY

CONSIDERATION OF IMPOSITION OF COMPACT SURCHARGE

CONSIDERATION OF AMENDMENT TO RULE 6 - WASTE EXPORT, CONCERNING REQUIREMENTS REGARDING A REGIONAL DISPOSAL FACILITY

This portion of the meeting was transcribed by a court reporter. A copy of the transcript can be ordered by sending a request, along with \$25.00, to the Rocky Mountain Low-Level Radioactive Waste Board.

The following summarizes the decisions made by the Board.

In response to an application filed by the State of Colorado, the Board designated the Clean Harbors Deer Trail Facility (CHDTF) as a Regional Facility under the Rocky Mountain Low-level Radioactive Waste Compact for disposal of waste from the mining, milling, smelting, or similar processing of ores and mineral-bearing material primarily for radium (Radium Processing Wastes) and authorized the Executive Director to issue a permit to the CHDTF as a Regional Facility for the disposal of Radium Processing Wastes, incorporating the conditions outlined below at such time, if any, that the Executive Director receives documentation that the Colorado Department of Public Health and Environment (CDPHE) has authorized the facility to accept at least 16,000 cubic yards of Radium Processing Wastes. The permit should be issued subject to the following:

1. The designation of CHDTF as a regional facility shall be effective only if and when the CDPHE fully licenses and authorizes the proposed facility to accept at least 16,000 cubic yards of Radium Processing Wastes;
2. The CDPHE includes as a condition of the license/permit issued by the State of Colorado to the CHDTF that at least 16,000 cubic feet of capacity be set aside for Radium Processing Waste; and
3. The CDPHE includes as a condition of the license/permit issued to the CHDTF a prohibition on the receipt of any low-level radioactive waste, as defined by the Compact and Board's Rules, from outside the Compact Region without written authorization from the Board.

Conditions

Assuming that the foregoing requirements are met, the Board's permit for the CHDTF as a regional facility will be issued containing the following conditions.

- A. The CHDTF will be limited to accepting the universe of low-level radioactive waste that the State identified in its request for authorization as a regional facility and therefore, it shall not accept any low-level radioactive wastes, as defined by the Compact and the Board's Rules, except for wastes from the mining, milling, smelting, or similar processing of ores and mineral-bearing material primarily for radium in which the total activity of natural uranium and thorium decay chain products is less than 2,000 picocuries per gram and the concentration of radium 226 is less than 400 picocuries per gram.
- B. The CHDTF shall not accept any low-level radioactive wastes, as defined by the Compact and the Board's Rules, from outside the Compact Region unless authorized to do so in writing by the Board.

C. Clean Harbors shall provide the Board a monthly report specifying the number of tons of Radium Processing Wastes received from each source (generator). The monthly reports shall be provided to the Board within 10 days of the end of each month.

D. Upon request by the Board, Clean Harbors 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.

E. Clean Harbors shall collect the Compact Surcharge imposed by the Board on each unit of radioactive waste, as defined by the Compact and the Board's Rules, that is received at the CHDTF. Clean Harbors shall pay the Compact Surcharge to the Board within 30 days of the end of each month.

The Board established the Compact Surcharge of \$15.00 per ton of radioactive waste received at the Clean Harbors Regional Facility.

The Board amended Rule 6. The amended version of Rule 6 is attached. The amended version of Rule 6 does not become effective until the permit to CHDTF is issued.

With no further issues, at 11:16 a.m. Mr. Roitman moved to adjourn Regular Meeting of June 8, 2005. Mr. Curry seconded; the motion carried unanimously.