



Testimony on Senate Bill 125
to
House Ag and Natural Resources Committee
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KDHE appreciates this opportunity to provide testimony on Senate Bill 125 that would amend K.S.A. 48-1603 and 48-1620 related to the management of radioactive materials. Specifically, this bill would allow for the disposal of certain wastes containing low concentrations of naturally occurring radioactive materials, commonly referred to as NORM, by below ground burial. Current law, which went into effect in the late 1980s, prohibits all burial of low-level radioactive waste regardless of the concentration and source of the radioactive isotopes. The current broad definition of “low-level radioactive waste” includes NORM.

When KDHE began studying alternative methods for the disposal for oil and gas drilling waste in 2011, a sampling program revealed that drill cuttings contained NORM at low concentrations similar to background levels found in common rocks and soil. Therefore, state law technically prohibits the burial of drilling waste both in on-lease pits permitted by the Kansas Corporation Commission (KCC) or in municipal solid waste landfills permitted by KDHE. Various other industrial wastes, and perhaps even certain kinds of demolition debris, could also contain some NORM and be prohibited from disposal by our current law.

It is clear that the definition of low-level radioactive waste needs to be revised to omit NORM and “technically enhanced NORM,” commonly called TENORM, to conform to actual disposal practices that have been occurring in Kansas for many decades. However, it is necessary to limit the concentration of NORM and TENORM to safe levels if the waste is to be landfilled. KDHE is proposing to establish those levels in regulations that would follow the passage of this bill. The Senate established in the bill that those regulations must be adopted by KDHE by July 1, 2016. Many other states around the country are also presently addressing this same issue, most notably North Dakota which generates ten times more drilling waste than Kansas.

The passage of this bill would allow the most common disposal method for drilling waste in on-site pits permitted by KCC to continue along with the disposal of NORM containing waste in certain permitted landfills that satisfy the highest design and operating requirements (Subtitle D municipal solid waste landfills). Two of the largest waste management companies in the United States that operate landfills in Kansas have expressed their support for this legislation and offered their assistance as we move forward with implementing regulations. They are Waste Management, Inc. and Waste Connections.

In addition to making the necessary revisions to the law to facilitate the burial of low concentration material, the bill includes some other needed changes to the radiation laws. First, it is necessary to revise the definition of “By-product material” in K.S.A. 48-1603(a) to be equivalent to the Nuclear Regulatory Commission definition. Second, the bill replaces an antiquated term, “hazardous waste disposal facility board,” with “secretary,” meaning the secretary of KDHE.

We would be happy to answer any questions.