

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 125

As Amended by Senate Committee of the Whole

Brief*

SB 125 would allow for the disposal of waste containing low concentration of naturally-occurring radioactive materials (NORM) and technologically-enhanced NORM (TENORM) by underground burial. Currently, the underground burial of all low-level radioactive waste is prohibited.

The bill would authorize the Secretary of Health and Environment to promulgate rules and regulations on or before July 1, 2016, regarding the allowable concentrations and sources of NORM and TENORM waste.

The bill also would update the definition of “by-product material” with the language specified by the federal Nuclear Regulatory Commission. In addition, the bill would replace a reference to a Board that no longer exists with the Secretary of Health and Environment.

Background

The bill was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing on the bill, the Director of the Bureau of Waste Management, Kansas Department of Health and Environment (KDHE); the Director of the Conservation Division, Kansas Corporation Commission (KCC); and representatives of the National Waste & Recycling Association, and Waste Management of Kansas,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Inc. provided testimony in favor of the bill. There was no neutral or opponent testimony at the hearing.

The Director of the Bureau of Waste Management stated when KDHE recently studied alternative methods for the disposal for oil and gas drilling waste, a sampling program revealed drill cuttings contained NORM at low concentrations similar to background levels found in common rocks and soils. The proponents stated the passage of the bill would allow the most common disposal method for drilling waste into pits permitted by the KCC to continue and authorize KDHE to develop regulations permitting both NORM and TENORM to be disposed of in certain permitted landfills that satisfy the highest design and operating requirements. The proponents noted many other states are presently addressing this issue.

The Senate Committee of the Whole amended the bill to add “on or before July 1, 2016,” with regard to the Secretary of Health and Environment promulgating rules and regulations.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states KDHE indicates the passage of the bill would have no fiscal effect on agency operations.