Idaho Department of Environmental Quality

IDAPA 58.01.10 Radioactive Materials not Regulated by NRC Zero Based Regulation Rulemaking

Docket 58-0110-2301

November 14, 2023

Agenda

- Welcome and Introductions
- Overview – Changes to the Preliminary Draft
- Discussion
- Comment Deadline for this meeting is November 28th
- Next Meeting April 4th

Rulemaking Purpose

- DEQ initiated this rulemaking to comply with Executive Order 2020-01, Zero-Based Regulation
- Establishing a regulatory threshold for TENORM disposal below which waste could be disposed of at approved Subtitle D landfills.

ZBR Changes

- Rule Draft

000. LEGAL AUTHORITY.

~~The Idaho Legislature has given the Board of Environmental Quality the authority to promulgate these rules pursuant to~~ Section 39-4405, Idaho Code. ( )

001. ~~TITLE AND~~ SCOPE.

~~**01. Title**. These rules are titled IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended."~~ ( )

~~**02. Scope.**~~ These rules regulate the disposal of radioactive materials not regulated under the Atomic Energy Act of 1954, As Amended, at facilities permitted and subject to the requirements of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, and the Idaho Hazardous Waste Facility Siting Act, Chapter 58, Title 39, Idaho Code. These rules do not regulate NORM or TENORM waste from the production of elemental phosphorus or from the production of phosphate fertilizers, ~~which~~ that includes the production of wet and purified phosphoric acid. These rules also place restrictions on disposal of certain radioactive materials at municipal solid waste landfills and identify other approved disposal options for radioactive materials. ( )

~~002. WRITTEN INTERPRETATIONS.~~

~~Any written statements pertaining to the interpretation of these rules shall be available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255.~~ ( )

030. RECORDS.

Records of disposal, including manifest, ~~shall~~ be maintained for three (3) years ~~in accordance with 40 CFR 262.40 and 40 CFR 262.23~~. ( )

031. -- 039. (RESERVED)

040. VIOLATIONS.

01. Failure to Comply. Failure by any person, owner, or operator to comply with the provisions of these rules ~~shall~~ will be deemed a violation of these rules. ( )

02. Falsification of Statements and Records. It ~~shall be~~ is a violation of these rules for any person, owner, or operator to knowingly make a false statement, representation, or certification in any document or record developed, maintained, or submitted pursuant to these rules. ( )

03. Penalties. Any person violating any provision of these rules or order issued thereunder ~~shall~~ may be liable for civil penalty in accordance with Chapter 44, Title 39, Idaho Code. ( )

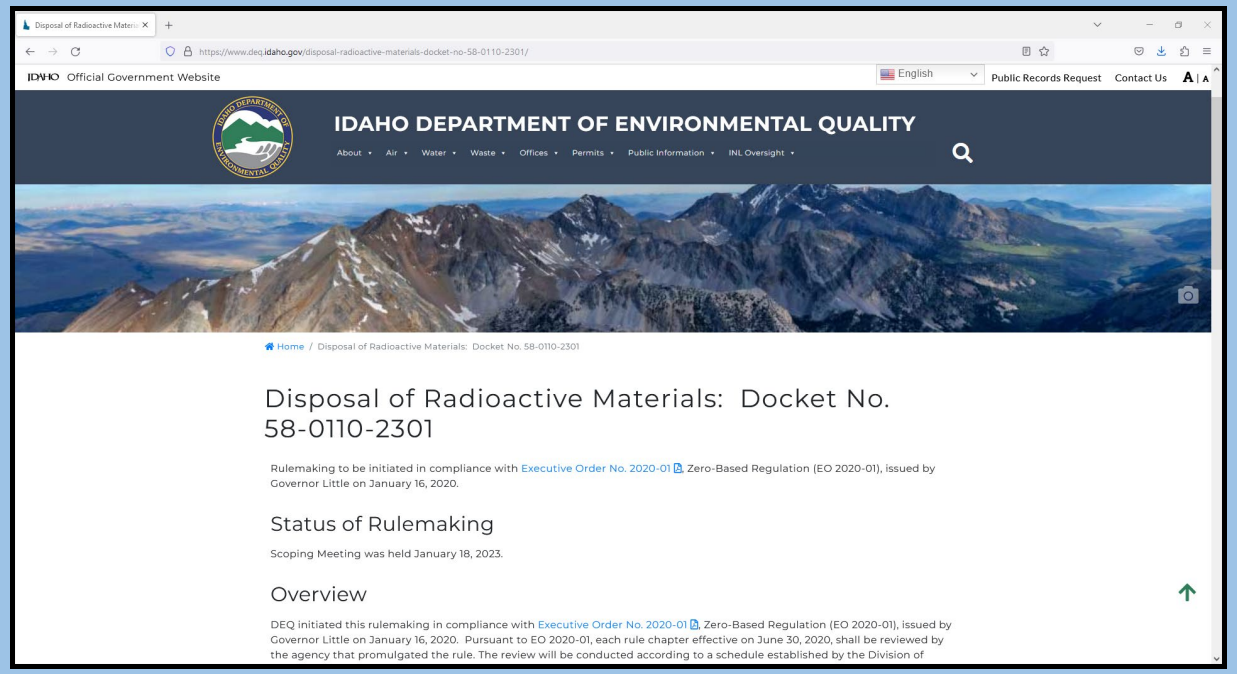
041. -- 999. (RESERVED)

Questions?

Future Rulemaking Meetings

- DEQ conducted sampling of waste stream from volunteer drinking water and wastewater system, using this data and data from other states' in similar rulemaking processes to establish a threshold in rules. If approved, wastes containing radioactive isotopes (TENORM) below an established threshold could go to an approved subtitle D landfill.
- Currently ALL TENORM needs to be disposed in a hazardous waste landfill which is burdensome and not necessarily protective of humans or the environment. Other states' have established similar thresholds and have managed wastes containing TENORM for years. These other states' established thresholds still protect human health/environment but allow for reasonable disposal when the material is unlikely to cause harm.

- Resources

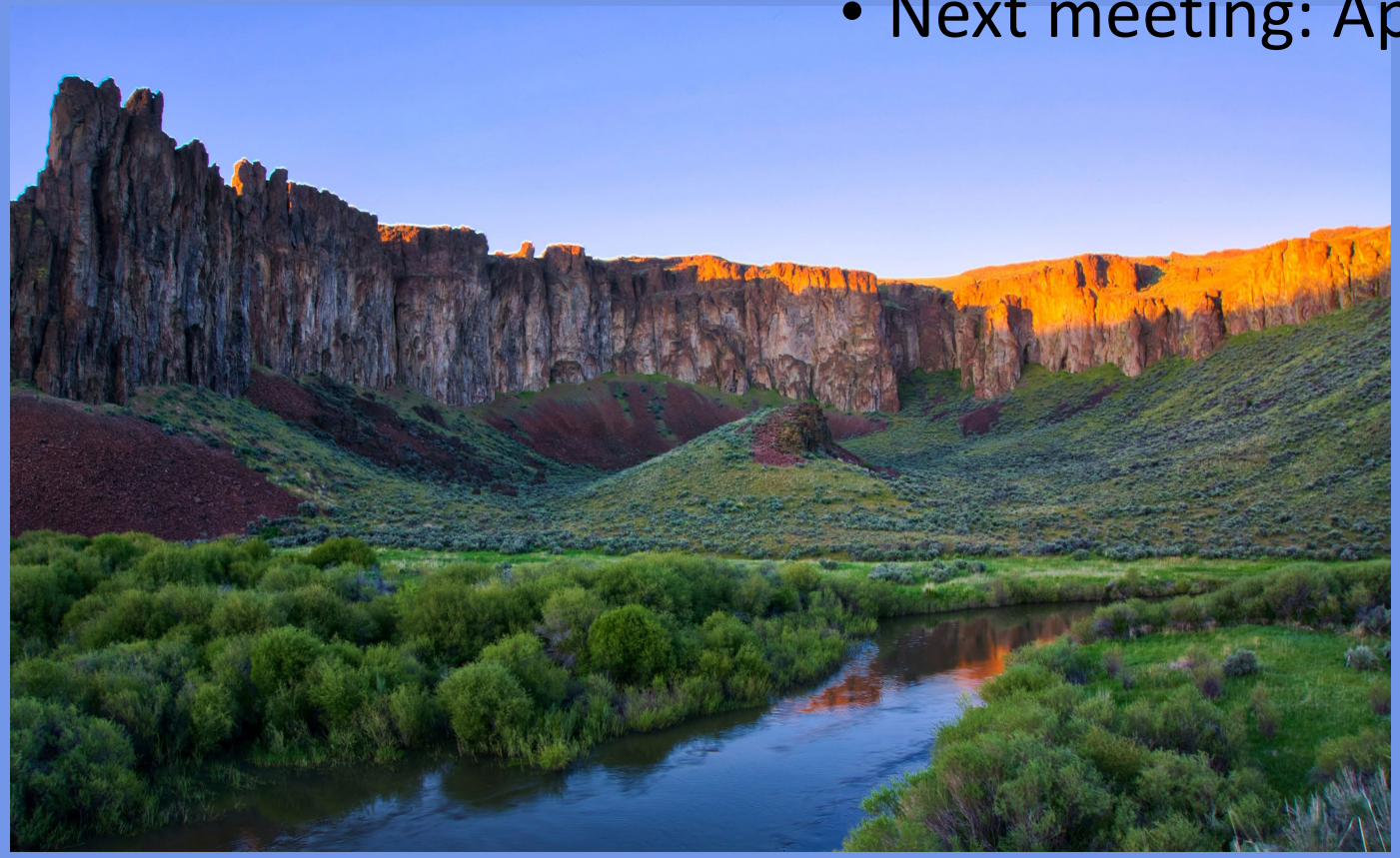


[Docket Website]:
- Rule drafts
- Presentations
- Public comments
- Meetings dates
- Virtual meeting information

Email list
- We send out notifications pertaining to the rulemaking
- Email Albert at Albert.Crawshaw@deq.idaho.gov to get on the list

Next Steps

- Please review and provide comments.
- Email comments to Albert at Albert.Crawshaw@deq.id
- Comment Deadline November 28th
- Next meeting: April 4th



Thank you