

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-1231.01 Thomas Morris x4218

SENATE BILL 18-245

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING REPEAL OF THE PROHIBITION ON THE STATE BOARD OF**
102 **HEALTH ADOPTING RULES CONCERNING THE DISPOSAL OF**
103 **NATURALLY OCCURRING RADIOACTIVE MATERIALS UNTIL AFTER**
104 **THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS**
105 **ADOPTED RULES CONCERNING THE DISPOSAL OF NATURALLY**
106 **OCCURRING RADIOACTIVE MATERIALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows the state board of health to adopt rules

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 2, 2018

concerning the disposal of naturally occurring radioactive materials (NORM) only after the federal environmental protection agency (EPA) has adopted rules concerning the disposal of NORM. The EPA has not adopted the rules. The bill repeals this prohibition.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-11-104, **amend**
3 (1)(b) as follows:

4 **25-11-104. Rules to be adopted - fees - fund created -**
5 **definitions - repeal.** (1) ~~(b) (I) The state board may~~ SHALL, BY
6 DECEMBER 31, 2020, adopt rules concerning the disposal of naturally
7 occurring radioactive materials. ~~at any time after the promulgation by the~~
8 ~~federal environmental protection agency or its successor of rules for the~~
9 ~~disposal of naturally occurring radioactive materials.~~

10 (II) TO FACILITATE DECISIONS AND APPROACHES TO THE
11 HANDLING, TRANSPORTATION, BENEFICIAL USE, AND DISPOSAL IN
12 COLORADO OF NATURALLY OCCURRING RADIOACTIVE MATERIAL AND
13 TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE
14 MATERIAL, REFERRED TO IN THIS SUBSECTION (1)(b) AS TENORM, THAT
15 ARE BASED ON A REASONABLE RELATIONSHIP TO THE ECONOMIC,
16 ENVIRONMENTAL, ENERGY, AND PUBLIC HEALTH COSTS AND IMPACTS OF
17 THESE ACTIVITIES, THE DEPARTMENT SHALL CONVENE A STAKEHOLDER
18 GROUP TO DISCUSS THE DEVELOPMENT OF RULES AND THE IMPACTS THE
19 RULES MIGHT HAVE ON VARIOUS INDUSTRIES. THE DEPARTMENT SHALL
20 INVITE PARTICIPATION BY REPRESENTATIVES OF, AT A MINIMUM, THE OIL
21 AND GAS INDUSTRY, MINING INDUSTRY, POWER GENERATORS AND
22 SUPPLIERS, PUBLIC WATER PROVIDERS, PUBLIC WASTEWATER TREATMENT
23 PROVIDERS, SOLID WASTE LANDFILL OPERATORS, AND OTHER INTERESTED

1 OR AFFECTED PARTIES CONCERNING THE DISPOSAL OF NATURALLY
2 OCCURRING RADIOACTIVE MATERIAL AND TENORM.

3 (III) DURING THE STAKEHOLDER AND RULE-MAKING PROCESS, THE
4 DEPARTMENT SHALL:

5 (A) REVIEW AND CONSIDER TENORM RESIDUAL MANAGEMENT
6 AND REGULATORY LIMITS FROM OTHER STATES;

7 (B) REVIEW AND REVISE, AS APPROPRIATE, THE CONCENTRATION
8 LIMITS AND VALUES CONTAINED IN THE "INTERIM POLICY AND GUIDANCE
9 PENDING RULEMAKING FOR CONTROL AND DISPOSITION OF
10 TECHNOLOGICALLY-ENHANCED NATURALLY OCCURRING RADIOACTIVE
11 MATERIALS IN COLORADO", DATED FEBRUARY 2007, CONSIDERING
12 STAKEHOLDER INPUT AND THE INFORMATION OBTAINED FROM OTHER
13 STATES; AND

14 (C) DEVELOP A PROPOSED RESIDUALS MANAGEMENT RULE THAT
15 INCLUDES REGULATORY LIMITS FOR LANDFILL DISPOSAL, BENEFICIAL
16 REUSE, AND EXEMPTION LEVELS.

17 (IV) THE DEVELOPMENT OF CONCENTRATION LIMITS FOR EACH
18 MANAGEMENT OPTION MUST BE BASED ON THE CONTRIBUTION TO PUBLIC
19 DOSE AND ACCOUNT FOR DIFFERENT ACTIVITIES SPECIFIC TO EACH
20 MANAGEMENT OPTION.

21 (V) NO LATER THAN DECEMBER 31, 2019, THE DEPARTMENT
22 SHALL SUBMIT A DETAILED SUMMARY OF THE STAKEHOLDER PROCESS
23 SPECIFIED IN SUBSECTION (1)(b)(III) OF THIS SECTION TO THE SENATE
24 COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE HOUSE OF
25 REPRESENTATIVES COMMITTEE ON HEALTH, INSURANCE, AND
26 ENVIRONMENT OR THEIR SUCCESSOR COMMITTEES. THE SUMMARY MUST
27 INCLUDE A DESCRIPTION OF THE STAKEHOLDER PROCESS, INCLUDING

1 OUTREACH EFFORTS, THE NUMBER OF MEETINGS HELD, AND ANY
2 DISSENTING COMMENTS SUBMITTED BY PARTICIPANTS IN THE
3 STAKEHOLDER PROCESS.

4 (VI) UNTIL THE RULES ADOPTED BY THE STATE BOARD PURSUANT
5 TO SUBSECTION (1)(b)(I) OF THIS SECTION BECOME EFFECTIVE, THE
6 HANDLING, TRANSPORTATION, BENEFICIAL USE, AND DISPOSAL OF
7 TENORM IS GOVERNED BY THE "INTERIM POLICY AND GUIDANCE
8 PENDING RULEMAKING FOR CONTROL AND DISPOSITION OF
9 TECHNOLOGICALLY-ENHANCED NATURALLY OCCURRING RADIOACTIVE
10 MATERIALS IN COLORADO," ISSUED BY THE DEPARTMENT, DATED
11 FEBRUARY 2007, AND THE OIL AND GAS WASTE PRODUCTION GUIDANCE
12 LETTERS DATED NOVEMBER 7 AND NOVEMBER 14, 2017.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.