

**State Regulatory  
Update  
Montana**

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# MT TENORM Rules Update

June 26, 2020 – MT TENORM  
rules were published.

June 27, 2020 – TENORM rules  
effective.

Six months for all licensed  
facilities to comply.

# MT TENORM Rules Update

- August 2018 – TENORM stakeholder workgroup was formed. Comprised of representatives from:
  - Oil & Gas exploration & production
  - Environmental Advocacy
  - Citizens
  - Waste disposal industry
  - Health Physicists
  - Local government
- October 2018 – Stakeholder meeting. Issues discussed included:
  - Ground and surface water contamination, definition of TENORM.
  - Spills, waste acceptance limits.
  - Differing opinions from stakeholders.

# MT TENORM Rules Update

- August 2019 – TENORM Draft Rules #2 published for public comment
  - Acceptance Conc. - 200 pCi/gram
  - Gate screening –200  $\mu$ R/hour
  - Average conc. for in place waste – 50 pCi/gram.
  - Dose at Facility Boundary – 100 mrem/year
- September 2019 – Public Meetings held in Glendive and Helena.
- October 2019 – Comment period closes = 900+ comments received.

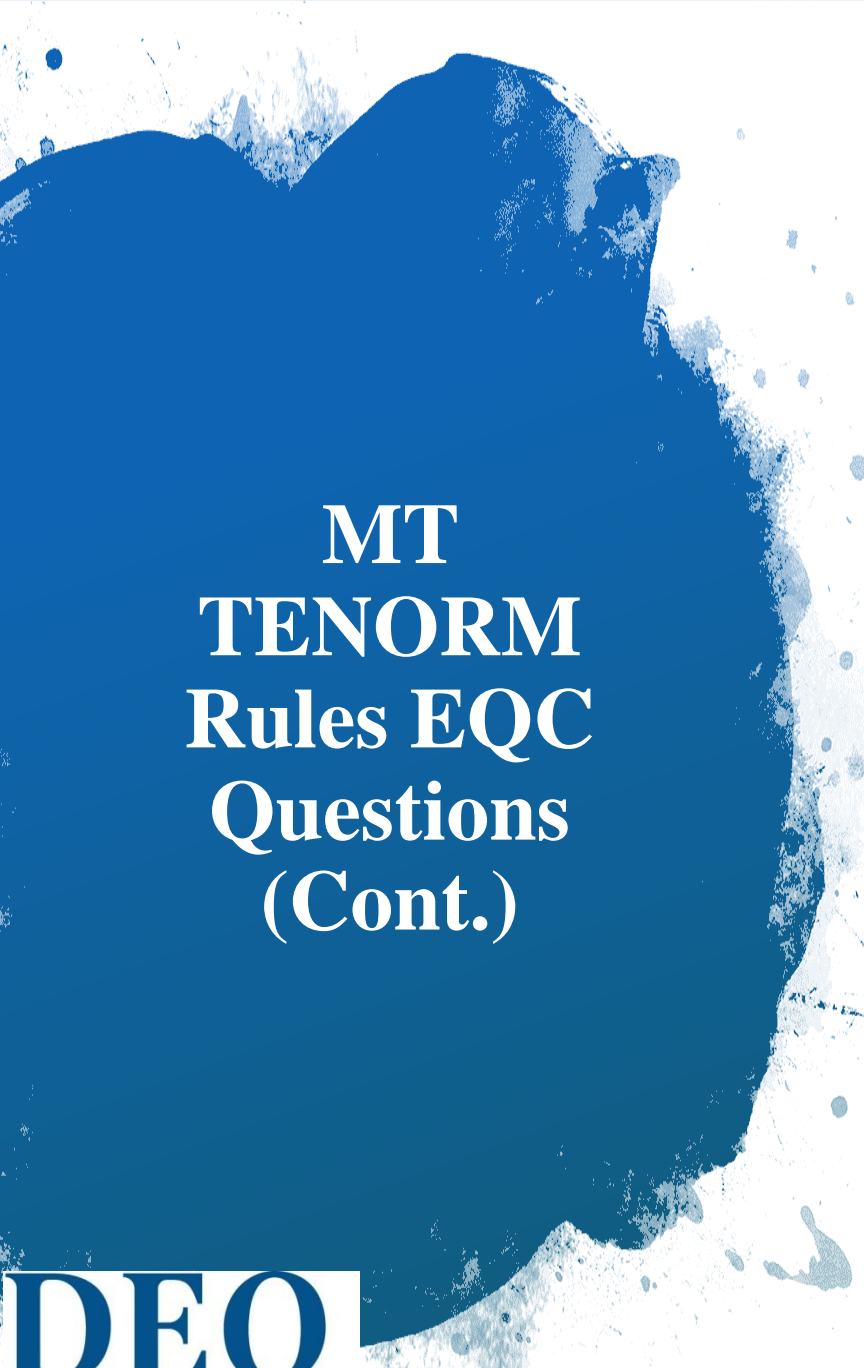
# MT TENORM Rules

- January 2020 – TENORM Draft(Supplemental) Rules #3 published for public comment.
  - Acceptance Conc. 50 pCi/gram (Upper limit for landfill)
  - Gate screening – 100  $\mu$ R/hour
  - Dose at Facility Boundary – 100 mrem/year
- March 2020 – Comment period closes = 500+ comments received.



# MT TENORM Rules Environmental Quality Council (EQC)

- April 2020 – Special meeting of the Environmental Quality Council (EQC) to discuss TENORM Draft Rules.
  - Voted to informally object to the rules moving forward to adoption.
  - Required answers to several questions before the next EQC meeting in May 2020.
  - Questions included:
    - Explanation of the difference between of values for gate screening, conc. and dose at the boundary.
    - How is the waste material sampled?
    - Does Radon gas cause spikes in the readings on incoming wastes?
    - Cost of and availability of testing equipment.



# MT TENORM Rules EQC Questions (Cont.)

- Cost of and availability of testing equipment.
- State options or limitations on banning out-of-state TENORM.
- How will compliance be determined and does the DEQ have the tools for regulatory oversight?
- Criteria for the review and approval of Class II landfills.
- Number of permitted facilities, and compliance history of the operational facilities.
- Health effects from over handling of TENORM wastes.

# MT TENORM Rules Current Status

- June 26, 2020 – MT TENORM rules were published.
- June 27, 2020 – TENORM rules effective.
  - Six months for all licensed facilities to comply.



# MT TENORM Rules Requirements

- Acceptance and Conc. Limit - 50 pCi/gram
- Gate screening for all loads including surface contaminated objects - 100  $\mu$ R/hour
- Dose at Facility Boundary – 100 mrem/year

# MT TENORM Rules Requirements (Cont.)

- Inventory of radiation survey equipment at each facility.
- Calibration procedures for radiation detection and monitoring equipment and documentation of calibration records.
- A radiation health and safety plan developed by a health physicist.
- Procedures developed by a health physicist for monitoring TENORM conc. in a TENORM waste unit.
- Concentrations must be reported quarterly to the DEQ.
- Continuous monitoring of ionizing radiation dose at the boundary.
- Random inspections of incoming loads and rejection procedures for loads that do not meet acceptance criteria.




# MT TENORM Rules Public Process & Lessons Learned

- Engage public early before noticing rules.
- Form a stakeholder group.
- Limit one representative from different interests (industry, environmental, concerned citizen etc.) for the stakeholder group.
- Ensure adequate representation of all the different perspectives (industry, environmental, concerned citizens, etc.).



# MT TENORM Rules Public Process & Lessons Learned

- Use an outside facilitator to alleviate any perceived bias with stakeholder group(s).
- Keep stakeholder group focused on proposed rules.
- Work with other programs within agency before noticing rules.
- Extend public comment period if necessary.



**MT  
TENORM  
Rules  
Public Process  
& Lessons  
Learned**

- Work closely with Public Information Officer and have talking points.
- Have one person from the agency communicate with the press for consistency.
- Promote education - TENORM is not nuclear waste!!!

# Harmonization of Standards with other states

- Region 8 States discussion at the annual Joint RCRA C & D Conference - September 2017, 2018 and 2020.
- Issues Discussed include:
  - States definition of TENORM
  - What is regulated as TENORM
  - States TENORM regulatory agencies
  - TENORM concentration levels accepted at waste facilities
  - TENORM Compacts

## MT TENORM Rule Upcoming Challenges

## Harmonization(cont.)

- Review of other TENORM regulating states laws and rules.
- Participation on the Association of State and Territorial Waste Management Officials – Radiation Taskforce.
- Attendance and networking with government and industry officials at national TENORM events.
- Communication with NRC agreement states since MT is not an agreement state.

# MT TENORM Rule Upcoming Challenges



**MT  
TENORM  
Rule  
Upcoming  
Challenges**

## **Harmonization (cont.)**

Montana/North Dakota

Similar TENORM definitions

- MT... Solid waste regulations
- ND...Solid waste regulations

Same acceptance concentrations 50 pCi/g at waste disposal facilities.

- MT...Solid regulations
- ND...Solid waste regulations



# QUESTIONS