



Oregon

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DATE: April 22, 2021
TO: House Committee on Energy and Environment
FROM: Annalisa Bhatia, Senior Legislative Advisor
SUBJECT: DEQ Regulatory Nexus to Radioactive Waste in Oregon

In preparation for the House Committee on Energy and Environment Committee meeting for April 26th, 2021, the Oregon Department of Environmental Quality (DEQ) was asked to provide a high-level overview of the agency's authority relating to the disposal of radioactive waste. Additionally DEQ was asked to provide information on the response following the disposal of radioactive solid waste at the Chemical Waste Management facility in Arlington, OR.

Background

The Oregon Department of Energy (ODOE) and Oregon Health Authority (OHA) are the primary agencies for regulating radioactive waste in the state. Generally, ODOE is responsible for defining and regulating radioactive waste, including determining whether a material could be disposed of within the state according to ODOE's rules. OHA's Radiation Protection Services is responsible for protecting people from unnecessary exposure to radiation through compliance, emergency response, licensing, training, and monitoring programs.

DEQ Regulatory Authority for Radioactive Waste Disposal

DEQ has limited authority relating to the management of radioactive materials, but does have a regulatory nexus to this work through a number of its programs. These include the following:

- **DEQ's Solid Waste and Hazardous Waste Programs:** DEQ regulates solid waste landfills across the state and Oregon's only hazardous waste landfill, Chemical Waste Management, which is located near Arlington OR. Statute and rules implemented by DEQ require solid waste and hazardous waste landfills to obtain a permit from DEQ to legally operate.

Under these program requirements, landfills can only accept certain ODOE-approved radiation waste that meet the exemptions under ODOE's rules. Several landfills have radiation monitors or portals to help monitor radiation levels prior to disposal.

- **DEQ's Cleanup Program:** DEQ's Environmental Cleanup Program protects human health and the environment by identifying, investigating, and remediating sites

contaminated with hazardous substances. The program's objective is to improve sites to the point where no further cleanup action is necessary - as inexpensively and quickly as possible.

DEQ Cleanup may occasionally be involved in the investigation and cleanup of sites that contain radioactive material. Such sites may include mines, metal processing facilities, and former landfills or other areas where radioactive materials have been disposed. DEQ staff typically work with ODOE staff on these investigations and cleanups to ensure the proper handling and disposal of radioactive waste, per ODOE's rules.

- **DEQ's Emergency Response Program:** DEQ's Emergency Response Program is a sub-program of the Environmental Cleanup Program. It was designed to coordinate with other agencies and industry to prevent and respond to spills of oil and hazardous materials. As part of this work, DEQ occasionally helps facilitate a response to radioactive material reported through the Oregon Emergency Response System. Often the response is a result of someone discovering equipment, material or containers located on the roadways or within in a public right-of-way. When DEQ or a responding contractor discovers radioactive material, they work with ODOE and OHA regarding its disposal.

Enforcement Action

DEQ worked with ODOE to investigate past illegal disposal of radioactive waste at the Chemical Waste Management landfill, south of Arlington, OR. Based on this investigation, DEQ issued a penalty to the company for illegally disposing of radioactive waste and failing to screen hazardous waste for radioactivity as required by its hazardous waste permit. DEQ also issued a penalty to OWL Inc., the South Dakota-based waste hauling company that brought the waste to the landfill for disposal. These enforcement actions were brought under DEQ's solid and hazardous waste rules. As part of this work, DEQ work with ODOE on requirements for CWM to provide a written statement of what procedures were in place or were planned for improvement and implementation at the facility to ensure future compliance with DEQ requirements and the ODOE corrective action measures.